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Dissimulation in Sunni Islam and Morisco *Taqiyya**

La disimulación en el islam sunní y la *taqiyya* morisca

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Este trabajo ofrece un resumen de la doctrina religiosa de *taqiyya* o disimulación en el islam sunní, recurriendo a comentarios del Qurʾān, compendios de *ḥadīṭ*, obras de ley islámica y tratados de principios éticos. En las fuentes andalusíes antes de la conquista cristiana aparecen discusiones acerca del concepto de *taqiyya* y del de coerción (*ikrāh*), ambos exenciones legales, y algunas de ellas continuaron estando a disposición de los moriscos y de los juristas norteafricanos que les aconsejaban. El análisis de estos materiales facilita la interpretación de la *fatwā* que Ibn Abī Yūmʿa al-Wahrānī envió a los moriscos en el año 1504 y particularmente la comprensión de su tratamiento de la blasfemia bajo coacción.

Palabras clave: moriscos; disimulo; *taqiyya*; coacción; *ikrāh*; blasfemia; paronomasia.

This study provides an outline of the religious doctrine of *taqiyya* or dissimulation in Sunni Islam, drawing on Qurʾānic commentaries, *ḥadīṭ* compilations, legal manuals, and ethical treatises. Moriscos and the North African jurists who advised them had access to discussions of *taqiyya* and the closely connected legal dispensation of coercion (*ikrāh*) through these sources, many of which were well-known in al-Andalus before the Reconquista, and some of which continued to be popular afterwards. Attention to this material helps one to interpret the 1504 *fatwā* of Ibn Abī Jumʿa al-Wahrānī to the Moriscos and in particular his discussion of blasphemy under coercion.

Key words: Moriscos; Dissimulation; *Taqiyya*; Coercion; *Ikrāh*; Blasphemy; Paronomasia.

... car la dissimulation est des plus notables qualitez de ce siècle.
Montaigne, 1580¹

Zagorin's fascinating study of dissimulation in sixteenth-century Europe exhibits a curious lacuna. During this period widespread religious, ideological conflicts and increasingly intense efforts on the part

* Parts of this study were presented at the Middle East Studies Association, Phoenix, Arizona, November, 1994; Islamic Law Conference at Hebrew University, January, 2000; the European Studies Colloquium at Emory University, March, 2006; and the Conference on Hybridity in al-Andalus, University of Wisconsin, Madison, October 2007. I would like to thank Maribel Fierro, Mercedes García-Arenal, Yohanan Friedmann and Etan Kohlberg in particular for their valuable comments and suggestions.

¹ Montaigne, "Du dementir", vol. 2, p. 70.

of political and religious authorities to enforce doctrinal conformity led to heightened and increasingly sophisticated uses of dissimulation, drawing on disciplines of dissimulation formulated in theoretical terms and sometimes recorded in manuals for neophyte dissimulators. With the theoretical attention drawn to these matters also came a heightened focus on language and its capacity to provide reliable evidence or, alternatively, to conceal inner thoughts and convictions.² The documentary net of Zagorin's research was cast quite widely, catching nearly all the examples one might expect: the crypto-Judaism of conversos in Spain and Portugal, the Nicodemism of Protestants in Catholic Italy, the Catholicism of recusants in England, the mental reservation of the Catholic doctors, and even the dissimulation of occultists and liberal philosophers. Absent in this litany of notorious dissimulators, however, are the Moriscos, the Muslims of Spain who underwent forced conversions to Catholicism in 1501-02 in Castile and 1526 in Valencia, many of whom continued to hold fast to their faith in secret until the final expulsions of 1609-14. The oversight is odd, given that the predicament of the Moriscos was quite similar, if not exactly parallel, to that of the conversos, to whom Zagorin devotes an entire chapter. The omission is all the more surprising when one notes that Zagorin in fact draws attention to the existence of an Islamic discipline of dissimulation, termed *taqiyya*, mysteriously claiming that it is instructive for his study but not relevant to the European context: "An interesting case of dissimulation for religious reasons is provided by a historical instance lying far afield from Europe that nevertheless serves well to illustrate its character".³ He alludes here to the tradition of dissimulation in the Shī'ite sect of Islam.⁴ In a footnote, he half-heartedly justifies the omission of Moriscos, attempting to distinguish them, on the grounds that they often lived apart in separate villages and quarters and so did not need to conceal their practices, from the conversos, who held higher positions in society and were more learned and better integrated into Christian society.⁵ The argument falls flat; although many Moriscos were

² Maclean, *Meaning and Interpretation in the Renaissance: The Case of Law*.

³ Zagorin, *Ways of Lying: Dissimulation, Persecution and Conformity in Early Modern Europe*, p. 3.

⁴ Zagorin, *Ways of Lying*, pp. 3-5; Donaldson, *The Shi'ite Religion: A History of Islam in Persia and Iraq*; Tabataba'i, *Shiite Islam*.

⁵ Zagorin, *Ways of Lying*, p. 41 n. 5.

simple peasants, in Granada and elsewhere they included people from all walks of life, including the privileged, the powerful, and the learned. Many were highly integrated into Christian society, and even more were under regular scrutiny and surveillance by neighbors as well as the authorities. The main reasons for Zagorin's omission are two: modern scholars' conviction that the Moriscos, as Sunni Muslims, did not have available to them the doctrinal option of *taqiyya* and the dearth of published studies on *taqiyya* in Sunni Islam.

Many discussions of the Moriscos of Spain have suggested that they consciously dissimulated with recourse to the Islamic legal concept of *taqiyya*.⁶ While it has always been recognized that large numbers of Moriscos practiced dissimulation after their forced conversions in the early sixteenth century, the ideas that this behavior was justified in Islamic doctrinal terms and that the Moriscos who were dissimulating knew of the Islamic legal dispensation to do so remain unevenly accepted and inadequately supported. This study investigates the theoretical background of Morisco dissimulation through examination of the well-known legal *responsum* issued by Ibn Abi Jum'a al-Maghrawī al-Wahrānī for the Moriscos of Granada in 910/1504 as well as other Islamic texts that would have been accessible in Spain and North Africa, arguing that *taqiyya* forms part of standard Sunni doctrine, overlapping to a large extent with the related legal dispensation of *ikrāh* "coercion, duress, compulsion". Sunni authors sometimes avoid use of the term *taqiyya* itself, perhaps because of its association with Shi'ism in particular, but their detailed discussions of *ikrāh* closely resemble discussions

⁶ Harvey, "Crypto-Islam in Sixteenth-Century Spain"; Harvey, "The Political, Social and Cultural History of the Moriscos"; Harvey, *Muslims in Spain, 1500-1614*, pp. 60-64; Harvey, "Una referencia explícita a la legalidad de la práctica de la *taqiya* por los moriscos"; Cardaillac, *Morisques et Chrétiens: un affrontement polémique (1492-1640)*; Cardaillac, "Un aspecto de las relaciones entre moriscos y cristianos: polémica y *taqiyya*"; García-Arenal, *Inquisición y Moriscos: Los procesos del Tribunal de Cuenca*, pp. 101-02; Vernet, "La exégesis musulmana tradicional en los coranes aljamiados", p. 125; Chejne, *Islam and the West: The Moriscos, A Cultural and Social History*, p. 24; Galmés de Fuentes, *Los moriscos (desde su misma orilla)*, pp. 108-13; Tueller, *Good and Faithful Christians: Moriscos and Catholicism in Early Modern Spain*, pp. 62-63; Barletta, *Covert Gestures: Crypto-Islamic Literature as Cultural Practice in Early Modern Spain*, pp. xxviii-xxix; Perry, *The Handless Maiden: Moriscos and the Politics of Religion in Early Modern Spain*, pp. 34-35; Miller, *Guardians of Islam: Religious Authority and Muslim Communities of Late Medieval Spain*, pp. 114, 181; Ibrahim, "Literature of the Converts in Early Modern Spain: Nationalism and Religious Dissimulation of Minorities", pp. 210, 220.

of *taqiyya*. Both concepts appear in standard Sunni texts of law, *ḥadīth*, and Qur'ānic exegesis that would have been available to North African and Andalusian jurists of the Mālikī legal tradition who advised the Moriscos regarding their religious obligations. Therefore, Moriscos would have known of the Islamic legal justification for dissimulation, and some of them, at least, consciously applied an Islamic discipline of dissimulation to their interactions with Church authorities, the Inquisition, state officials, and the surrounding Christian society at large.

In 1964, L.P. Harvey called attention to *taqiyya* in sixteenth century Spain, labelling the Moriscos' faith "crypto-Islam". His analysis suggests, however, that the use of the dispensation of *taqiyya* on the part of the Moriscos was surprising. Glossing *taqiyya* as "circumspect denial of one's true beliefs when in danger", he notes that the concept developed early in Islamic history and has been used primarily by heterodox Muslims, especially Shi'ites threatened by a Sunni majority. He adds that the practice of *taqiyya* has been thought of as an exception applying to individuals and not to an entire community.⁷ Dressendörfer similarly portrays *taqiyya* as a major facet of Morisco belief and practice in his work on the Inquisition's trials of Moriscos in Toledo in the late sixteenth and early seventeenth centuries.⁸ In his 1977 work on polemic between Moriscos and Christians, Louis Cardaillac identifies *taqiyya* as the Moriscos' main defense against the Inquisition and a fundamental facet of their beliefs and practice. Reference to the Islamic concept of *taqiyya* has been described as an almost ritual obligation in studies devoted to the Moriscos since Cardaillac's work.⁹ In contrast, Mercedes García-Arenal suggests that the behavior of the Moriscos of Cuenca may have had more to do with the force of circumstances than with knowledge of religious doctrine.¹⁰ Cardaillac notes that the term *taqiyya* does not occur even once with the technical meaning "dissimulation" in the many polemic documents that he examined for his work.¹¹ To

⁷ Harvey, *Muslims in Spain*, p. 60.

⁸ Dressendörfer, *Islam unter der Inquisition: Die Morisco-Prozesse in Toledo 1575-1610*, pp. 131-52.

⁹ Harvey, "Una referencia explícita", p. 561.

¹⁰ García-Arenal, *Inquisición y Moriscos*, pp. 101-02.

¹¹ He asks, "(...) le peuple morisque, dans sa vie quotidienne, et les polémistes, dans leur écrits, avaient-ils conscience d'appliquer ce principe islamique, ou agissaient-ils et écrivaient-ils en réagissant spontanément aux circonstances que se présentaient à eux?", Cardaillac, *Morisques et Chrétiens*, p. 99.

what extent were educated or uneducated Moriscos aware of Islamic doctrinal justifications for the practice of dissimulation, and to what extent was the Morisco's behavior guided by theoretical injunctions contained in Islamic legal or other literature?¹² Harvey remarks that the need for a discussion of *taqiyya* has been felt for some time.¹³

Widely cited as endorsing the Moriscos' resort to *taqiyya* is a *fatwā* issued in 910/1504 by the North African jurist Abū l-'Abbās Aḥmad b. Abī Jum'a al-Maghrāwī al-Wahrānī (d. 917/1511). This legal *responsum* provides comprehensive dispensation to Moriscos to feign adherence to Christianity, allowing them to perform acts that are ordinarily forbidden or omit acts that are ordinarily obligatory as long as they internally reject their outward acts and understand that the underlying prohibitions and obligations still hold. Many ordinary Islamic legal stipulations are suspended: the Moriscos may drink wine or eat pork if forced; they may pray with the Christians, utter blasphemous Christian creeds, or insult the Prophet Muḥammad if they are compelled to do so; they may dispense with the ordinary obligations connected with ritual ablutions and prayer if circumstances require; they may even marry their daughters to Christians if coerced, as long as they retain the conviction that this is ordinarily forbidden. Harvey calls this *fatwā* "the key theological document for the study of Spanish Islam" in the period following the Reconquista and leading up to the expulsions.¹⁴ Particularly since Harvey's 1964 article, this *fatwā* has been addressed in many studies on the history of the Moriscos and the status of Muslim minorities under non-Muslim rule.¹⁵

¹² Cardaillac, "Un aspecto de las relaciones," pp. 107-22.

¹³ Harvey, "Una referencia explícita", p. 562; also Harvey, *Muslims in Spain*, pp. 184-85.

¹⁴ Harvey, *Muslims in Spain*, p. 60.

¹⁵ Harvey, "Crypto-Islam"; Cardaillac, *Morisques et Chrétiens*, pp. 88-90; Cardaillac, "Un aspecto de las relaciones," pp. 108-10; Vernet, "La Exégese Musulmana", p. 125; Sabbagh, "La religion des Moriscos entre deux fatwas", pp. 49-55; Chejne, *Islam and the West*, p. 24; Epalza, "L'identité onomastique et linguistique des Morisques"; Bouzineb, "Respuestas de jurisconsultos magrebíes en torno de la inmigración de musulmanes hispanicos", pp. 53-54, 59-60; Razūq, *al-Andalusīyyūn wa-hijrātuhum ilā al-Maghrib khilāl al-qarnayn 16-17*, pp. 150-51; Fierro, "La emigración en el Islam: conceptos antiguos, nuevos problemas", pp. 21-22; Harvey, "The Political, Social and Cultural History", pp. 209-10; Abou El Fadl, "Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries", esp. pp. 156-57, 179-80; Epalza, "La voz oficial de los musulmanes hispanos, mudéjares y moriscos, a sus autoridades cristianas: cuatro textos, en árabe, en castellano y en catalán-valenciano", pp. 290-95; Molénat, "Le problème de la permanence des musulmans dans les

While many have viewed al-Wahrānī's *fatwā* as legitimating the use of *taqiyya* by Moriscos, others have disagreed. Sabbagh notes that *taqiyya* is most important for Islamic sectarian groups, including the Shi'ites and the Khārijis, particularly the Ibādī Khārijī sect. Sunnis do not favor the concept, she claims, since it is a dangerous principle for the moral life of the community and weakens notions of *jihād* and martyrdom.¹⁶ Molénat notes that although the *fatwā* provides all the means for practicing "crypto-Islam", Ibn Abī Jum'a does not present theoretical justification and does not use the term *taqiyya* itself.¹⁷ Rubiera Mata concurs, adding that al-Wahrānī's *fatwā* is an anomaly among other *fatwās* from Iberia and North Africa addressing the status of Muslims living under Christian political domination; *taqiyya* in her view is a Shi'ite concept that the Sunni Moriscos would have neither recognized nor used.¹⁸

A number of statements from Spanish authors in the sixteenth and seventeenth centuries refer to the Islamic legal dispensation more or less directly, though without using the term *taqiyya*, suggesting that at least some of the Moriscos and their interlocutors must have been familiar with the concept. The inhabitants of the Muslim town of María, near Zaragoza, rose in rebellion following the forcible conversion of the Muslims of Aragon in 1526. The besieged rebels agreed to surrender only after a Christian noble informed them that they were permitted by their own religion to dissimulate:

Sad and unfortunate people, who in this manner will deliver yourselves into the hands of your enemies! If you refuse to be baptised in order not to go against your Qur'an, then learn something that is permitted to you therein: show yourselves to be Christians and get baptised, while keeping your heart for Muḥammad. You will thereby be delivered from the present danger, if you are forced to surrender by arms, and from future dangers as you roam as fugitives the world.¹⁹

territoires conquis par les Chrétiens, du point de vue de la loi islamique", pp. 399-400; Pormann, "Das Fatwa *Die Herrlichsten Waren (Asnā l-matāğir des al-Wanšarisi)*", pp. 311-12; Rubiera Mata, "Los moriscos como criptomusulmanes y la Taqiyya"; Harvey, *Muslims in Spain*, pp. 60-64.

¹⁶ Sabbagh, "La Religion des Morisques", pp. 53-55.

¹⁷ Molénat, "Le Problème de la permanence", pp. 399-400.

¹⁸ "La *taqiyya* es un concepto de los chiíes, la más importante secta del Islam, para disfrazar su pertenencia a ella, es decir, que son chiíes en el ámbito sunní, pero jamás para simular que no son musulmanes. Es decir, que el escrito de Al-Magrawī va mucho más allá de la *taqiyya*, doctrina que además, seguramente como sunní no conocía", Rubiera Mata, "Los moriscos como criptomusulmanes", p. 547.

¹⁹ Guadalajara y Xavier, *Memorable expulsión y justísimo destierro de los Moriscos de España*, fol. 51v; Harvey, "Crypto-Islam", pp. 170-71.

Here, the Christian noble alludes to a specific dispensation recorded in the text of the Qur'ān; the text reads: ... *que os es permitido en él*, "... that is permitted to you in it", referring to Islam's holy book.²⁰ This may be a reference to Q 16:106, which is discussed below. Guadalajara y Xavier refers to the Islamic doctrinal support for dissimulation when he writes of the difficulty of converting Moriscos into true Catholics:

I only wish to state, by the way, that, with the permission and licence that their accursed sect accorded them, they could feign any religion outwardly and without sinning, as long as they kept their hearts nevertheless devoted to their false imposter of a prophet. We saw so many of them who died while worshipping the Cross and speaking well of our Catholic Religion yet who were inwardly excellent Muslims.²¹

The juxtaposition of the terms *permiso* "permission" and *licencia* "license" with *ocasiones forçosas* "coercive circumstances" suggests a direct reference to the Islamic legal dispensation of *ikrāh*, "coercion, duress", which resembles *taqiyya* in many aspects and may be connected as well with Q 16:106.

At least one indication that the Moriscos themselves were aware of the specific term *taqiyya* has been presented in scholarship to date: Harvey has identified a passage of a sixteenth-century *aljamiado* text by Mancebo de Arévalo that provides an explicit reference to *taqiyya*, rendered in Spanish vernacular as *amonestaça*.²² Additional evidence regarding *taqiyya* from Sunni legal and other sources that would have been available in Spain and North Africa during the time of the Moriscos and in the preceding centuries will be presented below.

The situation of the Moriscos was not entirely unprecedented in Islamic history, and Sunni Muslims had invoked *taqiyya* to justify dissimulation under Christian domination in other periods and regions, including Sicily after the Norman conquest in 1061-91 and the Byzantine Marches in eastern Anatolia, northern Syria, and northern Iraq during the early Islamic centuries. Border wars with Byzantium began very soon after the initial expansion of the Islamic Empire in the seventh century and remained a constant aspect of the political and military

²⁰ Harvey's translation elides the text here: "... you should be informed that you are permitted to put on a show of being Christians ...", Harvey, "Crypto-Islam", p. 170.

²¹ Guadalajara, *Memorable expulsión*, fol. 159; Cardaillac, *Morisques et Chrétiens*, p. 99.

²² Harvey, "Una referencia explícita", p. 562; also Harvey, *Muslims in Spain*, pp. 184-85.

history of Islamdom until the Crusader conquests and the establishment of the Frankish states of Outremer changed the parameters of that conflict at the close of the eleventh century. The Byzantine Crusade, led in the mid-tenth century by the general-emperors Nicephorus II Phocas (963-69) and John Tzimisce (969-76), resulted in the annexation of large territories that had been under Muslim rule in Crete, Cilicia, and northern Syria, including the major cities of Tarsus, Missisa, and Adana, conquered in 964-66, and Antioch, conquered in 969. As a consequence, large Muslim populations came under Christian rule and faced difficult questions regarding religious status, religious and cultural identity, discrimination, and conversion.

Sources reveal that some Sunni Muslim captives in the hands of the Byzantines dissimulated in conscious accordance with the Islamic legal dispensation of *taqiyya*. In the late tenth century, Mu'tazilī theologian al-Qāḍī 'Abd al-Jabbār (d. 415/1025) criticized the morals of Byzantine Christians, suggesting, among other things, that they did not consider marital infidelity on the part of their wives a serious infraction. In order to prove this, he relates an account of a Muslim warrior who had fallen captive, feigned conversion to Christianity, and married a well-to-do Christian woman. Later, when he was sent by the Emperor on a military mission, he heard that his wife had taken a lover, but when he confronted her relatives about this, they assured him that it was quite ordinary for a woman in her position to do this, adding that it was advantageous for him, as the lover assumed responsibility for the expenses of the family and property in his absence. Even if this is not an accurate portrayal of the mores of Byzantine matrons, the account proves that the Muslim warrior dissimulated, feigning conversion to Christianity. In addition, he was not alone in his dissimulation:

... Muṣbiḥ al-Ṭā'ī, Abū 'Abd Allāh al-Ḥusayn b. al-Ṣaqr, 'Abd al-Rahmān the warrior under Ibn al-Zayyāt, and other border warriors and those who resided many years in Constantinople, both as captives and as free men, (...) because of the long hardship they suffered and because the Muslims did not send anyone to ransom them or to fight the enemy, feigned conversion to Christianity out of dissimulation and spread out among the Christians and mixed with them.²³

²³ Al-Qāḍī 'Abd al-Jabbār, *Tathbūt dalā'il al-nubuwwa*, pp. 171-72; Abū Ja'far Muḥammad b. 'Abd al-Malik al-Zayyāt served as vizier from 836 A.D. on, under al-Mu'taṣim (r. 833-42), al-Wāthiq (842-47), and al-Mutawakkil (r. 847-51).

Al-Qāḍī al-Jabbār's description of their conversion, "they outwardly adopted Christianity out of dissimulation" (*aẓharū l-naṣrāniyyata taqiyyatan*), uses the explicit term *taqiyya* to denote their outward conformance to Christianity. It also assumes that they were aware of the concept of *taqiyya* as an Islamic legal dispensation available to them on account of their circumstances.

1. The 910/1504 *Fatwā* of Aḥmad Ibn Abī Jum'a

Abū l-'Abbās Aḥmad Ibn Abī Jum'a al-Maghrawī al-Wahrānī (d. 917/1511), a Mālikī jurist who completed his studies in Tlemcen and spent his later career as a professor in Fez, wrote his *responsum* for the Moriscos in 910/1504, probably in Fez.²⁴ The *fatwā* does not mention earlier *fatwās*, court cases, or legal discussions of the particular topic addressed, so it is difficult to determine the exact provenance of its ideas and its place in historical legal debates. Nevertheless, attention to Islamic legal literature allows a better understanding of the reasoning behind the *fatwā*. Although the term *taqiyya* does not appear, the *fatwā* includes several related technical legal and theological terms, including *niyya* "intention", *ikrāh* "coercion, duress", and *kalimat al-kufr* "blasphemy", and alludes as well to Qur'ānic verses and *ḥadīth* reports that belong to the standard repertory of scriptural proof-texts used to legitimate *taqiyya*.

²⁴ On this scholar, see Stewart, "The identity of 'the Mufti of Oran': Abū al 'Abbas Aḥmad b. Abī Jum'a al-Maghrawī al-Wahrānī (d. 917/1511)". L.P. Harvey published photographic plates of the vatican ms. of the *fatwā* and discussed the text in his 1958 doctoral dissertation on aljamiado literature, and his complete transcription of that manuscript appeared in the proceedings of a conference on Arabic and Islamic studies held in Cordoba in 1962, together with photographic plates of the manuscript folios and a summary of its provisions in English; Harvey, *The Literary Culture of the Moriscos (1492-1609): A Study Based on the Extant Manuscripts in Arabic and Aljamiá*. The discussion is given at vol. I, 175, pp. 293-300 and the plates of the manuscript in Appendix C: vol. 2, pp. 184-88; Harvey, "Crypto-Islam." In 1971, Dressendörfer provided a nearly complete German translation in *Islam unter der Inquisition*, pp. 137-41; Leila Sabbagh commented on the available translations in 1983, making some valuable points, but did not translate the *fatwā*; Sabbagh, "La religion des Moriscos", pp. 49-55. Rubiera Mata provided a near-complete Spanish translation of V in 2004, Rubiera, "Los Moriscos como criptomusulmanes", pp. 541-44. Harvey's 2005 book on the Moriscos includes an English translation of the text, also nearly complete: Harvey, *Muslims in Spain*, pp. 24, 61-63.

2. *Taqiyya* in Sunni Islam

Taqiyya, literally “fear, caution” is an Islamic legal dispensation (*rukḥṣa*) allowing dissimulation in cases of danger. It permits a legally responsible believer to perform certain acts under duress that would ordinarily be forbidden or to omit certain acts that would ordinarily be obligatory. *Taqiyya* is emblematic for the posture of a persecuted and necessarily secretive minority. Investigators of the history and religion of the Moriscos have shown little awareness that a small but growing corpus of secondary literature on *taqiyya* exists, much less plumbed Islamic sources for discussions of *taqiyya*.²⁵

A major hindrance to the investigation of *taqiyya* in the context of Moriscos or Muslims in Spain has been the widespread and erroneous belief that the concept and practice of *taqiyya* are the exclusive domain of Twelver Shiʿites and other Muslim sectarian minorities and are not relevant to Sunni Islam. Shiʿites have practiced *taqiyya* more widely than Sunnis and cite the concept more frequently in their literature and daily lives for the obvious historical reason that, throughout most of Islamic history and in most regions, they have lived as a minority under Sunni rule, surrounded by a potentially hostile majority. Yet while historical realities have conspired to make *taqiyya* appear to be an exclusively Shiʿite principle, the option of *taqiyya* was doctrinally available to Sunnis, and Goldziher pointed out long ago that *taqiyya* is an accepted principle in Sunni as well as Shiʿite Islam. Even so, alleged overuse of *taqiyya* became a standard part of Sunni polemics against the Shiʿites. Ibn Taymiyya (d. 728/1328), for example, denounces the *rāfiḍa* “rejectors”—the common term of opprobrium for Shiʿites among medieval Sunnis—as through-and-through hypocrites because of their

²⁵ On *taqiyya* see Goldziher, “Das Prinzip der takijja im Islam”; Strothmann, “Takiyya”; Meyer, “Anlass und Anwendungsbereich der taqiyya”; Kohlberg, “Some Imāmi-Shiʿi Views on Taqiyya”; Kohlberg, “*Taqiyya* in Shiʿi Theology and Religion”; Gordon, “The Substratum of *Taqiyya* in Iran”; Dupree, “Further Notes on *Taqiyya*: Afghanistan”; Fawzī, *Maḥmūd al-taqiyya fī l-Islām*; Layish, “*Taqiyya* among the Druzes”; Stewart, “*Taqiyyah* as Performance: The Travels of Bahāʾ al-Dīn al-ʿĀmilī in the Ottoman Empire (991-93/1583-85)”; Stewart, “Ḥusayn b. ʿAbd al-Ṣamad al-ʿĀmilī’s Treatise for Sultan Suleiman and the Shiʿi-Shāfiʿi Legal Tradition”; Stewart, *Islamic Legal Orthodoxy: Twelver Shiite Reactions to the Sunni Legal System*; Stewart, “Documents and Dissimulation: Notes on the Performance of *Taqiyya*”; Makārim, *al-Taqiyya fī l-Islām*; Clarke, “The Rise and Decline of *Taqiyya* in Twelver Shiʿism”; Dakake, “Hiding in Plain Sight: The Practical and Doctrinal Significance of Secrecy in Shiʿite Islam”.

constant practice of *taqiyya*.²⁶ A sixteenth century Iranian Sunni scholar identifies the acceptance of *taqiyya* as one of the Shī'ites' gravest sins and blames them for applying it to a shocking extent, so that it affects nearly all Islamic legal injunctions.²⁷ Sunni Muslims have often likened Shī'ites, on account of their resort to *taqiyya*, to the *Munāfiqūn* "Hypocrites", a group decried in the Qur'ān as outward Muslims who are secretly unsympathetic to the cause of Muslims and actively seek to undermine the Muslim community.²⁸

Because of these polemic connotations, the term *taqiyya* is often avoided in Sunni discussions of doctrine, despite the fact that it occurs explicitly in fundamental texts in the Sunni tradition, including canonical *ḥadīth* collections, well-known commentaries on the Qur'ān, and other works. The relative infrequency of the term, however, does not indicate a lack of attention to the topic or a rejection of the concept. Sunni legal discussions of *ikrāh* "coercion, duress" regularly cover the same topics that Shī'ites discuss under the rubric of *taqiyya*, using similar terms and examples and many of the same scriptural prooftexts, in works that would have been well known to Andalusian and North African Mālikī jurists. Khaled Abou El-Fadl recognizes that Ibn Abī Jum'a's *fatwā* is based on the concept of duress or coercion (*ikrāh*).²⁹ Some Islamic legal works devote a separate chapter to the topic, as is the case with al-Marghīnānī's (d. 593/1197) *Hidāya*, one of the most popular texts of Ḥanafī law.³⁰ Others discuss duress in various contexts, such as the chapter on judgeship. In addition, many Sunni texts discuss *taqiyya* explicitly and in some detail.

The principle of *taqiyya* is based on the idea prevalent in Sunni as well as Shī'ite law and theology that inner convictions potentially differ from manifest statements and actions and that one ought to be judged

²⁶ Ibn Taymiyya, *Minhāj al-sunna*, vol. 2, pp. 29-32.

²⁷ Makhdūm al-Shirāzī, *al-Nawāqid fī l-radd 'alā al-rawāfiḍ*, fols. 67-68.

²⁸ Adang, "Hypocrites and Hypocrisy."

²⁹ Abou El-Fadl, "Islamic Law", p. 179. For an overview of duress in Islamic law, see Abou El-Fadl, "The Common and Islamic Law of Duress"; Abū Ṣafiya, *al-Ikrāh fī l-sharī'a al-Islāmiyya*; al-Ḥusaynī, *al-Ikrāh wa-atharuh fī l-aḥkām al-shar'iyya: dirāsa muqārana qā'ima 'alā al-istiḡṣā' li-l-furū' al-'aqa'idīyya wa-l-fiqhiyya*; Abdur Rahim, *The Principles of Muhammadan Jurisprudence: according to the Hanafi, Maliki, Shafi'i and Hanbali Schools*.

³⁰ Burhān al-Dīn Abū l-Ḥasan 'Alī b. Abī Bakr al-Farghānī al-Marghīnānī, *al-Hidāya sharḥ Bidāyat al-mubtadī*; English translation, section on "compulsion", in *The Hedaya, or Guide: A Commentary on the Mussulman Laws*.

on the basis of the former. Intention (*niyya*) is a fundamental concept in Sunni Islamic law.³¹ Without it, the performance (*adā'*) of legal obligations is invalid; the mere completion of an act does not suffice. All practicing believers should know the concept, since daily prayer is invalid if performed without forming one's intention to direct the prayer to God alone. Perhaps the best known of all Prophetic *ḥadīth* reports is *innamā l-a'mālu bi-l-niyyāt* "works are (judged) according to intentions", which appears as the very first *ḥadīth* in the *Ṣaḥīḥ* of al-Bukhārī (d. 256/870) and in al-Nawawī's (d. 676/1277) popular collection of forty *ḥadīths*. As al-Ṭūfī (d. 716/1316), one of the many commentators on al-Nawawī's work, explains, this dictum has profound legal implications. For example, a man who has sexual intercourse with a woman whom he believes to be his wife is not subject to the penalty for adultery. Similarly, a Muslim who drinks alcohol without realizing or intending to do so is not subject to any penalty.³² In Islamic theology generally, one's conviction (*i'tiqād*), located in the heart (*qalb*), is often contrasted with one's word (*qawl*), made by the tongue (*lisān*), and deed (*fi'l*), performed by the hand (*yad*) or limbs (*jawāriḥ*). The distinction between an external, obvious, or *prima facie* meaning (*ẓāhir*) that can differ quite radically from an internal or hidden meaning (*bāṭin*) is also ubiquitous in Islamic literature and thought. Ibn Abī Jum'a's *fatwā* stresses that it is not one's outer actions that make one a Muslim, but one's inner state or intention. God is more concerned with believers' intentions than their outward acts. Paraphrasing another well-known *ḥadīth* report, he states, *Allāhu lā yanzuru ilā ṣuwarikum lākin ilā qulūbikum* "God does not look at your external forms but rather at your hearts". One's beliefs or opinions about the law make one a Muslim and not one's success in applying its specific dictates. The essence of belief is therefore not adherence to the law *per se*, but in holding the correct opinions about it. Al-Ghazālī (d. 505/1111) discusses intention at some length in his famous work *Iḥyā' 'ulūm al-dīn*, citing a number of *ḥadīth* reports, including *innamā l-a'mālu bi-l-niyyāt li-kulli mri'in mā nawā...* "Actions are judged only according to intentions. For each man is what he intends..." and also *inna llāha ta'ālā lā yanzuru ilā ṣuwarikum wa-amwālikum wa-innamā yanzuru*

³¹ Sabbagh, "La religion des Morisques", pp. 54-55.

³² Sulaymān b. 'Abd al-Qawī al-Ṭūfī, *Kitāb al-ta'yīn fī sharḥ al-Arba'in*, pp. 36-37.

ilā qulūbikum wa-a'mālikum "Exalted God does not look at your external forms and your belongings but rather looks exclusively at your hearts and your works".³³

The concept of *taqiyya* is discussed in many Sunni sources that would have been available, either directly or indirectly, to religious scholars and literate Muslims of al-Andalus and North Africa before, during, and after the Reconquista. The main categories of such texts are Qur'ānic commentaries, *ḥadīth* collections and associated compendia and commentaries, legal manuals, and works on Islamic theology and ethics such as al-Ghazālī's *Iḥyā' 'ulūm al-dīn*. The Qur'ānic verses at which commentaries regularly discuss *taqiyya* or closely related matters are three: Q 3:28, which uses the cognate terms *ittaqu* and *tuqāh* or *taqiyya* and refers to dissimulation; Q 16:106, which assesses the status of a believer who blasphemes under coercion; and Q 40:28, which depicts a relative of Pharaoh who was a true believer but concealed the fact. In her investigation of *aljamiado* translations of the Qur'ān, Consuelo López-Morillas provides a picture of the tradition of *tafsīr* that provided the background for the Moriscos' interpretation of the text. She identifies four Eastern and four Western commentaries as fundamental: from the East, *Jāmi' al-bayān* by al-Ṭabarī (d. 310/923), *al-Kashshāf* by al-Zamakhsharī (d. 528/1135), *Mafātīḥ al-Ghayb* by Fakhr al-Dīn al-Rāzī (d. 606/1209), and *Anwār al-tanzīl* by al-Bayḍāwī (d. 685/1286), and from the West, *Tafsīr al-Qur'ān* by Ibn Abī Zamanīn (d. 399/1008), *al-Muḥarrar al-wajīz fī tafsīr al-Kitāb al-'Azīz* by Ibn 'Aṭīyya al-Gharnāṭī (d. 546/1151), *al-Jāmi' li-aḥkām al-Qur'ān* by al-Qurṭubī (d. 671/1273), and *al-Baḥr al-muḥīṭ fī tafsīr al-Qur'ān* by Abū Ḥayyān al-Gharnāṭī (d. 745/1344). Of these, she notes that Ibn Abī Zamanīn's *Tafsīr* is preserved in truncated form in an *aljamiado* MS. Especially influential for the Moriscos were the commentaries of al-Zamakhsharī and Ibn 'Aṭīyya al-Gharnāṭī. *Aljamiado* translations of the Qur'ān also incorporated material from *tafsīr* sources without acknowledgement. López-Morillas suspects that the *aljamiado* writer 'Isā b. Jābir (Ice de Gebir) consulted a wide variety of *tafsīr* works and incorporated material from them in his influential but now-lost *aljamiado* translation of the Qur'ān, which he completed in 1456. Later *aljamiado* translators or copyists of Qur'ān translations may have drawn exten-

³³ Al-Ghazālī, *Iḥyā' 'ulūm al-dīn*, vol. 5, pp. 1741-57.

sively on 'Īsā b. Jābir's work and thus passed on commentary and interpretation of the text without independent access to works of *tafsīr*.³⁴ Several *ḥadīths* that appear in the standard Sunni collections such as al-Bukhārī's *Ṣaḥīḥ* discuss the use of verbal ambiguities as a means to escape harm or persecution. Legal manuals discuss matters related to *taqiyya* under the topics of coercion, the duty to enjoin good and denounce wrong in public, legal stratagems, and affidavits of pre-emption (*istir'ā*). Since many Qur'ānic commentaries and *ḥadīth* works discuss legal matters, and since Qur'ānic commentaries and legal manuals often cite *ḥadīth* reports as evidence, the categories overlap.

The term *taqiyya* likely derives from Q 3:28, which is widely held to justify dissimulation in front of potential enemies. The verse reads, "Let not the believers take unbelievers for their allies in preference to believers. Whoever does this has no connection with God, *unless you but guard yourselves against them as a precaution (illā an tattaqū minhum tuqātan/taqiyyatan)*. God bids you beware only of Himself. . . ." Al-Ṭabarī, al-Zamakhsharī, al-Bayḍawī, and others report the recognized variant reading *taqiyyatan*, a verbal noun construed as a cognate accusative ("the act of being cautious"), rather than *tuqātan*, a plural adjective construed as an accusative of condition ("while you are exercising caution"). Whether the actual term *taqiyya* or its cognate *tuqāh* occurs in this verse, there is little doubt that the cognate verb *ittaqa* refers to dissimulation, so that, one may claim, both the term and the concept of *taqiyya* are based on an explicit Qur'ānic text. Most Sunni *tafsīrs* use the term *taqiyya* in explicating the verse.³⁵

Nonetheless, the scriptural text by which *taqiyya* is most often justified is Q 16:106: "Whoever expresses disbelief in God after having accepted belief [will suffer greatly]—except him who is forced while his heart is still at peace in belief". This verse is also the *locus classicus* for the legal topic of coercion (*ikrāh*), particularly since the cognate

³⁴ López-Morillas, *The Qur'ān in Sixteenth-Century Spain: Six Morisco Versions of Sūra 79*. Vincent Cornell has called attention to the exegeses of Ibn 'Aṭīyya and al-Qurṭubī in particular as prominent representatives of the Andalusian tradition of Qur'ān commentary. Cornell, "Ilm al-Qur'ān in al-Andalus: The *Tafsīr Muḥarrar* in the Works of Three Authors".

³⁵ Al-Ṭabarī, *Jāmi' al-bayān 'an wujūh ta'wīl āy al-Qur'ān*, vol. 3, pp. 227-30; al-Zamakhsharī, *al-Kashshāf 'an ḥaqā'iq al-tanzīl*, vol. 1, p. 183; al-Rāzī, *Mafātīḥ al-ghayb [al-Tafsīr al-kabīr]*, vol. 8, pp. 10-14; al-Bayḍawī, *Anwār al-tanzīl*, pp. 70-71; al-Jaṣṣāṣ, *Aḥkām al-Qur'ān*, vol. 2, pp. 289-90; al-Qurṭubī, *al-Jāmi' li-aḥkām al-Qur'ān*, vol. 4, p. 57.

ukriha “was forced, coerced” occurs in it. It is said to refer to the case of the Companion ‘Ammār b. Yāsir, who was compelled by polytheists in Mecca to worship pagan idols and deny the Prophet Muḥammad. His parents, Yāsir and Sumayya, were brutally killed for refusing, but ‘Ammār succumbed to their demands and thus survived. Afterwards, when he confessed to the Prophet what had happened, the Prophet asked him how he felt in his heart, and ‘Ammār responded that his heart “was at ease in belief”. The Prophet informed him that this was all that was necessary, and if the polytheists were to attack him in a similar fashion in the future, he should repeat his actions. A second account that frequently occurs in commentaries on this verse relates that Musaylima, the false prophet of the Banū Ḥārith who was contemporary with the Prophet Muḥammad, demanded that two Muslim captives recognize him as a legitimate messenger of God along with Muḥammad. One prisoner acquiesced, but the other did not answer, feigning deafness, and was killed as a result. When informed about the incident, the Prophet Muḥammad legitimated the actions of both prisoners, stating that one was allowed to dissimulate if one’s life was in danger, but that one was also free to choose the path of martyrdom. These accounts occur in nearly all the well-known Sunnī exegeses, including popular Mālikī commentaries such as al-Qurṭubī’s (d. 671/1272-73) *al-Jāmi’ li-ahkām al-Qur’ān*.³⁶ The key phrase *wa-qalbuḥu muṭma’inn bi-l-īmān* “while his heart is still at peace in belief” appears in many Sunni legal discussions of both *taqiyya* and coercion and, noticeably, in Ibn Abī Jum’a’s *fatwā*.

Sūrat al-Mu’min depicts an actual performance of religious dissimulation in the course of a confrontation between Moses and Pharaoh (Q 40:22-54). When Pharaoh threatens to kill Moses (v. 26), an Egyptian described as a member of Pharaoh’s family who concealed his faith (*rajulun mu’minun min āli Fir’awna yaktumu īmānahu*) (v. 28) speaks up in Moses’ defense. Some commentators claim he was a Hebrew, assigning him the name Sam’ān, Sham’ān, Ḥabīb, Ḥizqīl, Ḥizbīl, or

³⁶ Al-Ṭabarī, *Jāmi’ al-bayān*, vol. 14, pp. 180-82; al-Zamakhsharī, *al-Kashshāf*, vol. 2, p. 345; al-Rāzī, *Mafātīḥ al-ghayb*, vol. 20, p. 121; al-Jaṣṣās, *Ahkām al-Qur’ān*, vol. 5, pp. 13-17; al-Baydāwī, *Anwār al-tanzīl*, p. 367; al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, pp. 180-81; Ibn Kathīr, *Tafsīr al-Qur’ān al-‘aẓīm*, vol. 2, p. 609; al-Kalbī, *Kitāb al-tashīl li-‘ulūm al-tanzīl*, vol. 2, pp. 162-63. See also Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition*, pp. 153-56.

Khirbīl, but most consider him Egyptian, for several reasons: the Hebrew interpretation assumes inverted word order without sufficient grounds; the preposition *min* is not usually used with the verb *yaktumu*, which would ordinarily take two direct objects; a Hebrew would not likely have confronted Pharaoh in this manner; and Pharaoh would have reacted more harshly to a Hebrew. In addition, some commentators identify him as Pharaoh's paternal cousin, heir apparent, or trusted advisor.³⁷ This believing member of Pharaoh's family is thus a counterpart to Nicodemus in the New Testament, a highly placed individual who hid his belief out of prudence. Given the salience of this passage in the Qur'ān, it is difficult to claim that Sunni Muslims would be unaware of the concept of dissimulation; it is presumably because of this passage that the term *kitmān* "concealment" comes to be used as an occasional synonym of *taqiyya* in Islamic legal literature.

3. Fakhr al-Dīn al-Rāzī on *Taqiyya*

One Sunni commentator who provides a substantial discussion of dissimulation is Fakhr al-Dīn al-Rāzī (d. 606/1209) in his voluminous exegesis *Mafātīḥ al-ghayb*. This analysis forms one section of his commentary on Q 3:28.

Know that *taqiyya* has many rulings associated with it; we will mention some of them.

The first ruling: *taqiyya* occurs when a man is among a large group of unbelievers, fears for his life or property from them, and beguiles or cajoles them with his tongue. He does this by avoiding disclosure of enmity with his tongue. It is also permissible to produce speech that gives the impression of friendship and alliance but on condition that he internally maintain (*yudmir*) the opposite and use allusive language (*yu'arriḍ*) in all of what he says, for *taqiyya* affects what is externally apparent and not what is in people's hearts.

The second ruling regarding *taqiyya* is that if the believer declares his faith and the truth outright in a case where he is allowed to perform *taqiyya*, then that is more meritorious. The proof of this is what we have stated above regarding the story of Musaylima.

The third ruling: *taqiyya* is only permissible regarding that which is related to dis-

³⁷ Al-Tha'labī, *al-Kashf wa-l-bayān*, vol. 8, pp. 272-73; al-Zamakhsharī, *al-Kashshāf*, vol. 3, p. 367; Ibn 'Aṭīyya al-Andalusī, *al-Muḥarrar al-wajīz fī tafsīr al-Kitāb al-'azīz*, vol. 4, p. 552.

playing alliance and enmity, and perhaps also regarding that which is related to disclosing one's religion. However, acts which result in harm to others, such as murder, adultery, usurpation of property, taking false witness, accusing married women of adultery, and revealing vulnerabilities of the Muslims' defenses to the unbelievers, are not at all permissible.

The fourth ruling: The obvious sense of the Qur'ānic verse indicates that *taqiyya* is allowed before unbelievers who are dominant. However, the opinion of al-Shāfi'i (may God be pleased with him) is that when the situation among Muslims resembles that which obtains between Muslims and polytheists, then *taqiyya* becomes legal as a means to protect life.

The fifth ruling: *taqiyya* is permissible for the purpose of preservation of life. Is it also permissible for the preservation of property? One should probably rule in favor of permissibility in this case, because of the statements of the Prophet (may God bless him and grant him peace), "The inviolability of a Muslim's property is like the inviolability of his life" and "He who is killed protecting his property is a martyr". [It should also be permissible] because man has a compelling need of property. For example, when water is sold for an exorbitant price, the obligation to perform ablution no longer holds, and one is permitted to make do with *tayammum* in order to avoid decreasing one's wealth by that amount. How, then, could it not be permissible here?

The sixth ruling: Mujāhid [b. Jabr, d. 104/722] said, "This ruling held sway in the beginning of Islam because of the weakness of the believers. However, since Islamic rule has grown strong, it no longer holds". But 'Awf [b. Abī Jamīla, d. 146/763] related on the authority of al-Ḥasan [al-Baṣrī, d. 110/728], "*Taqiyya* is permissible for the believers until the Day of Resurrection". This last view is more reasonable, because it is obligatory to prevent harm to one's person as far as possible.³⁸

Al-Rāzī accepts *taqiyya* as a general principle of dissimulation in Sunni Islamic law. He rejects Mujāhid's opinion that *taqiyya* has been suspended because the Islamic state is no longer weak, and he endorses the statement attributed to al-Ḥasan al-Baṣrī according to which *taqiyya* will be permissible until the Day of Resurrection. In his view, dissimulation may be applied to both word and deed. One may resort to it in order to protect both life and property. A Muslim may dissimulate not only among unbelievers but also among other Muslims. It has limits, and one may not resort to it when it would cause harm to others or their property.

³⁸ Al-Rāzī, *Mafātīḥ al-ghayb*, vol. 8, p. 13.

4. Ibn Abī Zamanīn's *Tafsīr*

One of the exegeses most frequently cited in al-Andalus was the *Tafsīr* of Ibn Abī Zamanīn, which he abridged from the work of Yahyā b. Sallām al-Tamīmī al-Baṣrī (d. 200/815) and completed in Sha'bān 395/May-June 1005 in Cordoba.³⁹ As part of the commentary on Q 3:28, he includes the following account of the dissimulation of 'Ammār b. Yāsir, the Companion of the Prophet who was forced to worship the pagan gods in Mecca.

...Muḥammad b. 'Ammār b. Yāsir ... stated: The polytheists took my father, and they did not leave off from him until he insulted the Messenger of God (may God bless him and grant him peace) and spoke well of their gods, and then they let him go. When he came to the Prophet (may God bless him and grant him peace), the Prophet asked him, "What befell you?" 'Ammār replied, "Evil, O Messenger of God. By God, I was not let go until I insulted you and spoke well of their gods." The Prophet asked, "How did you find your heart?" He answered, "I find it at peace in faith". He said, "If they do it again, then you do it again".⁴⁰

In another passage, Ibn Abī Zamanīn again cites the phrase "except for him who is forced while his heart is at peace in faith" in connection with the dissimulation of 'Ammār b. Yāsir before a pagan audience:

"Whoever denies God after accepting faith, except for him who is forced while his heart is at peace in faith"—that is, accepts it. This was revealed concerning 'Ammār b. Yāsir and his Companions. The polytheists had seized them and forced them to denounce God and His Messenger. Because of their fear of them, they gave them that with their mouths [alone].⁴¹

Ibn Abī Zamanīn does not use the technical term *taqiyya* but describes the concept and cites the historical anecdote most commonly held to legitimate the practice.

5. Ibn 'Aṭīyya al-Gharnāṭī (d. ca. 546/1151) on *Taqiyya* and *Ikrāh*

The Andalusian jurist Ibn 'Aṭīyya (d. ca. 541/1147) discusses *taqiyya* in his popular exegesis *al-Muḥarrar al-wajīz*, one of the most widely

³⁹ Ibn Abī Zamanīn, *Tafsīr*, vol. 1, p. 9.

⁴⁰ Ibn Abī Zamanīn, *Tafsīr*, vol. 1, p. 108.

⁴¹ Ibn Abī Zamanīn, *Tafsīr*, vol. 1, p. 446.

renowned in the Mālikī tradition.⁴² His commentary on Q 3:28 reports that scholars' opinions have differed regarding three relevant legal questions: before whom may one perform *taqiyya*, under what circumstances is *taqiyya* permissible, and what acts are permitted under the dispensation of *taqiyya*? The interlocutor before whom one may perform *taqiyya* is defined as: "Any powerful person who exercises hegemony, who causes duress, and whom one fears. This includes unbelievers when they hold the reins of power, tyrannical leaders and usurpers, and people of high station in the great cities". According to Mālik (d. 179/795), even a woman's husband might place her under duress, such that it would be lawful for her to exercise *taqiyya* before him. The circumstances under which *taqiyya* is allowed are the following:

... fear of death, fear of loss of limb, flogging and other types of torture. If a person is subjected to any of these or harbors a deep-seated fear that he will be subjected to them, then he is under duress, and the status of *taqiyya* applies to him. Imprisonment constitutes duress, as do shackling, threatening, and menacing. Enmity on the part of tyrannical people of high station permits *taqiyya*. All these vary according to the condition of the person placed under duress and the act forced upon him. For many, imprisonment does not constitute duress. Similarly, in the case of a great man who is forced by imprisonment and non-lethal beating to commit apostasy, one cannot imagine that he would perform *taqiyya*, given the tremendous nature of what is demanded of him. Matters of duress belong to that category of legal question to which one must apply the law of particular circumstances (*fiqh al-hāl*).

With regard to the third question, Ibn 'Aṭīyya states, "The scholars have agreed that *taqiyya* makes permissible statements of the tongue, from blasphemy on down, also sales, bequests, and divorce, freely making statements to that effect, as well as ingratiation and flattery". One justification for this position is the statement of the Companion Ibn Mas'ūd ['Abd Allāh, d. 33/653], "There is no speech I would not speak if it spared me two stripes from a man in power". Ibn 'Aṭīyya then explains that the lawfulness of performing deeds under the dispensation of *taqiyya*, as opposed to making statements, is disputed. The view that one may not perform deeds out of *taqiyya* was supported by the early Mālikī jurist Saḥnūn [b. Sa'īd, d. 240/854], but al-Ḥasan [al-Baṣrī], Makhḥūl [d. 112/730], and Masrūq [b. al-Ajda', d. 63/682], and

⁴² Ibn Farḥūn, *al-Dibāj al-mudhhab fī ma'rīfat a'yān 'ulamā' al-madhab*, pp. 275-76.

others held that acts are permissible. Masrūq viewed it as obligatory to perform *taqiyya* under life-threatening circumstances; if one died when one could have dissimulated but chose not to, one would go to Hell. Saḥnūn argued, to the contrary, that one would be rewarded for bravery: martyrdom was preferable to dissimulation. Al-Ḥasan [al-Baṣrī] is supposed to have said that if a man is told to prostrate himself to an idol or else be killed, he should do so only if the idol is in the direction of the *qibla*, forming his intention to pray to God. If it is not in the direction of the *qibla*, then he should refuse even at risk of death. Ibn ‘Aṭiyya rejects this opinion, remonstrating, “What prevents him from directing his intention toward God even if the idol is not in the direction of the *qibla*, when it is stated in the Book of God that ‘No matter where you turn, there is the face of God’ (Q 2:115) and when Islamic law allows the traveller to pray extra prayers in a direction other than the *qibla*?!” Ibn ‘Aṭiyya ends his discussion with the statement that these are merely the main topics under the rubric of *taqiyya* and that its subsidiary questions are many.⁴³

Ibn ‘Aṭiyya’s discussion shows that dissimulation was a well-known topic in Sunni, Mālikī *tafsīr* and legal texts. Since *al-Muḥarrar al-wajīz* was one of the most popular commentaries with Morisco writers, there is little doubt that they would have been exposed to the concept of *taqiyya*.⁴⁴ Ibn ‘Aṭiyya’s discussion also shows that the topic of *taqiyya* overlaps, to a large extent, with that of duress or coercion. He discusses *ikrāh* in some detail in his commentary on Q 16:106, and his remarks there recapitulate his earlier discussion.⁴⁵ Ibn ‘Aṭiyya presents but then dismisses the argument that only statements, and not acts, should be permitted under the dispensation of coercion.

Sales, oaths,⁴⁶ divorce, manumission of slaves, breaking the fast in Ramaḍān, drinking wine, and other such sins performed under coercion are matters between the worshipper and Almighty and Exalted God and are not binding on the one who performs them. This is the opinion of Muṭarrif [al-Madanī, d. ca. 214/828], who

⁴³ Ibn ‘Aṭiyya al-Andalusī, *al-Muḥarrar*, vol. 1, p. 420.

⁴⁴ Vernet, “La exégesis musulmana,” p. 143 n. 26, states that this work was *famosísimo* in the Western half of the Arab world and used by all later authors. Ibn ‘Aṭiyya’s exegesis and al-Zamakhsharī’s *Kashshāf* were among those most widely used by the Morisco authors of Qur’ān translations and commentaries.

⁴⁵ Ibn ‘Aṭiyya al-Andalusī, *al-Muḥarrar*, vol. 3, pp. 423-24.

⁴⁶ Reading *aymān* for *imān* in the text.

transmitted it on the authority of Mālik, and it is the opinion of Ibn ‘Abd al-Ḥakam [d. 214/829] and Aṣbagh [b. al-Faraj, d. 225/839], who transmitted it from Ibn al-Qāsim [‘Abd al-Raḥmān al-‘Utaqī, d. 191/806], from Mālik. Ibn ‘Abbās [‘Abd Allāh, d. 68/687] distinguished between what is⁴⁷ a statement, like manumission and divorce, allowing dissimulation in them, and [deeds]. He said, “There is no *taqiyya* in what is an action, like drinking wine and breaking the fast in Ramadan. For a person under duress to do such things is not permissible”.⁴⁸

Again, Ibn ‘Aṭiyya argues that one must take into account the specific circumstances and also the status of legal agent himself in judging cases of coercion.

In my view, duress should be considered according to the resolve of the one coerced, his status in the religion, and the enormity of the thing to which he is coerced. Beating might constitute duress for one thing but not another. To these cases there applies the law of particular circumstances (*fiqh al-ḥāl*). The oath of one coerced, as we have said, does not bind him. Ibn al-Mājiṣhūn [‘Abd al-Malik b. ‘Abd al-‘Azīz, d. 213-14/828-29] said, “Whether he swore to do something that is an act of obedience to God, to do something that is an act of disobedience to God, or regarding something that is neither, the oath has no effect on him”.⁴⁹

The early Cordoban Mālikī jurist Muṭarrif (d. 220/835) reports that one may take a false oath out of *taqiyya* in order to protect one’s person but not one’s property.⁵⁰

6. Al-Qurṭubī (d. 671/1272-73) on Coercion

An extensive discussion of *ikrāh* occurs in the commentary on Q 16:106 in al-Qurṭubī’s *al-Jāmi’ li-aḥkām al-Qur’ān*.⁵¹ Abū ‘Abd Allāh Muḥammad b. Aḥmad b. Abī Bakr b. Faraj al-Anṣārī al-Qurṭubī was a native of Cordoba who became a renowned Arabic philologist and scholar of the religious sciences in the thirteenth century. He died in 671/1272-73 in Upper Egypt, presumably on the way to perform the

⁴⁷ Reading *mā huwa* for *mā hunā* in the text.

⁴⁸ Ibn ‘Aṭiyya al-Andalusī, *al-Muḥarrar*, vol. 3, p. 423.

⁴⁹ Ibn ‘Aṭiyya al-Andalusī, *al-Muḥarrar*, vol. 3, p. 423.

⁵⁰ Ibn ‘Aṭiyya al-Andalusī, *al-Muḥarrar*, vol. 3, p. 423.

⁵¹ Al-Qurṭubī, *al-Jāmi’ li-aḥkām al-Qur’ān*, vol. 10, pp. 180-91; Friedmann, *Tolerance and Coercion in Islam*, p. 156. A similar but shorter discussion occurs in al-Rāzī, *Mafātīḥ al-ghayb*, vol. 20, pp. 120-23.

pilgrimage.⁵² Since this is one of the best-known Mālikī *tafsīr* works, Ibn Abī Jum‘a was presumably familiar with it. It treats the following acts, many of which also occur in Ibn Abī Jum‘a’s *fatwā*: praying to an idol or prostrating to another god, praying in the wrong direction, drinking wine, eating pork, adultery or fornication, usury (*akl al-ribā*), breaking the Ramaḍān fast, divorce, manumission of a slave, forced sales, marriage, and blasphemy, including insulting the Prophet. The collection of topics, the order in which they appear, and the language in which they are couched suggest that al-Qurṭubī’s discussion of *ikrāh* is part of the textual, legal tradition that informed Ibn Abī Jum‘a’s *fatwā*.

Al-Qurṭubī’s discussion uses the term *ikrāh* frequently throughout, and the terms *mukrah*, *mukraha* for the man or woman who is subjected to coercion. However, he uses the term *taqiyya* twice in reference to dissimulation without expressing disapproval of the concept. In one passage, Mālik holds that a man who fears his property will be taken by customs officers, other tyrannical officials, or attackers may not take a false oath out of *taqiyya* (*lā taqiyyata lahu fi dhālika*) on the grounds that the legal dispensation is supposed to protect one’s person, not one’s property.⁵³ Another passage relates the *ḥadīth* report from al-Ḥasan al-Baṣrī: “Dissimulation (*taqiyya*) is permissible for the believer until the Day of Resurrection. However, God—blessed and exalted be He—allows no room for dissimulation in killing”.⁵⁴

Al-Qurṭubī first relates the martyrdom of ‘Ammār b. Yāsir’s parents, Yāsir and Sumayya, and ‘Ammār’s outward compliance with his tormentors in Mecca.⁵⁵ According to al-Qurṭubī, the general principle of a dispensation for coercion is subject to consensus among Muslim jurists: “The scholars have agreed unanimously that whoever was compelled to unbelief to such an extent that he feared for his life, has not sinned if he expressed unbelief ‘while his heart was at ease in belief’, nor should his wife be irrevocably divorced from him, nor should he be legally recognized as an unbeliever. This is the opinion of Mālik, the Ḥanafīs, and al-Shāfi‘ī, with the exception of Muḥammad b. al-

⁵² Arnaldez, “al-Qurṭubī”; Ibn Farḥūn, *al-Dibāj*, pp. 406-07.

⁵³ Al-Qurṭubī, *al-Jāmi’ li-aḥkām al-Qur’ān*, vol. 10, p. 187.

⁵⁴ Al-Qurṭubī, *al-Jāmi’ li-aḥkām al-Qur’ān*, vol. 10, p. 190.

⁵⁵ Al-Qurṭubī, *al-Jāmi’ li-aḥkām al-Qur’ān*, vol. 10, pp. 179-80.

Ḥasan [al-Shaybānī] (d. 189/804)”.⁵⁶ This dispensation for coercion with regard to blasphemy may be extended to other areas of the law.

Since Almighty and Exalted God permitted that one reject Him (*al-kufr bihi*) under duress—when He is the source of the sacred law—and did not hold one to account on that score, the scholars interpreted all of the branches of the sacred law on this principle. If an act was coerced, then the actor should not be held accountable, and no legal ruling ensues as a consequence. This is expressed in the well-known report on the authority of the Prophet (may God bless him and grant him peace): “My Community has been absolved for error, forgetfulness, and that to which they are coerced”.⁵⁷

A minority of jurists, including the Mālikī jurist Saḥnūn, argued that under coercion one was allowed to dissimulate in word alone, but not in deed. Al-Qurṭubī insists that this view is wrong and that Mālik himself gave dispensation for coercion in both word and deed: “Ibn al-Qāsim [d. 191/806-07] related from Mālik that no sin can be ascribed to whoever is compelled to drink wine, to abandon prayer, or to break the fast in Ramaḍān”.⁵⁸ According to al-Qurṭubī, one may under coercion drink wine, eat pork, eat meat that has not been slaughtered properly, break the fast in Ramaḍān, pray in a direction other than the *qibla*, pray to an idol or other god, or receive interest.⁵⁹ One who performs adultery or fornication under coercion is innocent.⁶⁰ A coerced marriage, divorce, or manumission of a slave is invalid.⁶¹ A forced sale is invalid unless it is executed in order for a creditor to collect a debt.⁶² A forced admission of debt (*iqrār*) is invalid.⁶³ There are, however, limits to what one may do under the dispensation of coercion. One may not, for example, kill anyone, beat or flog a Muslim, or take a Muslim’s property.⁶⁴

What constitutes coercion is a matter of some discussion. The prevalent opinion is that circumstances under which one faces the threat of death, amputation of a limb, or severe beating, or when one is thrown into chains, imprisoned, or threatened in a frightening manner all con-

⁵⁶ Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, p. 182.

⁵⁷ Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, pp. 181-82.

⁵⁸ Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, pp. 182-83.

⁵⁹ Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, p. 185.

⁶⁰ Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, pp. 183-84, p. 185.

⁶¹ Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, pp. 184-185.

⁶² Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, p. 184.

⁶³ Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, p. 190.

⁶⁴ Al-Qurṭubī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, p. 183.

stitute coercion.⁶⁵ Others add that coercion is established not only by a threat to one's life but also by a threat to one's property (*māl*) or the honor that derives from protection of one's dependents (*'ird*), on the strength of the *ḥadīth* reports, *inna dimā'akum wa-amwālakum wa-a'rāḍakum 'alaykum ḥarām* "Your lives, property, and dependent-honor are inviolate among you" and *kullu muslimin 'alā al-muslimi ḥarāmun damuhu wa-māluhu wa-'irḍuh* "The life, property, and dependent-honor of every Muslim are inviolate and may not be taken by another Muslim."⁶⁶ Some Ḥanafis limit the performer of true coercion to the ruler (*sulṭān*), but Mālik does not.⁶⁷

7. Ibn al-'Arabī (d. 543/1148) on Concealment of Faith

The jurist Abū Bakr Ibn al-'Arabī was born in Seville in 468/1076 and travelled to the East as a youth, studying with al-Ghazālī, among others, in Baghdad. He returned to Seville and served as judge there before migrating to Fez in Morocco, where he died in 543/1148. With regard to the Qur'ānic passage that depicts the believing member of Pharaoh's family, he discusses the legality of concealing one's faith.

Some think that if the legally responsible Muslim conceals his faith and does not express it openly with his tongue, he is not a believer by his internal conviction alone. But Mālik said, "If a man intends in his heart to divorce his wife, it compels him, just as through his heart he becomes a believer or unbeliever", making faith depend on the heart. ... If a man forms the intention of belief in his heart, he does not become a believer until he expresses it with his tongue, but if he forms the intention of belief in his heart and caution (*taqiyya*) or fear prevent him from expressing it with his tongue, then that is between him and God the Exalted. Caution (*taqiyya*) causes him to avoid being heard by others, but it is not a condition for the legal obligation of belief to be properly fulfilled that one be heard by others. That is only required for Muslims to safeguard his life and property.⁶⁸

Al-Qāḍī Ibn al-'Arabī stresses that it is one's internal conviction that determines one's faith, and he uses the term *taqiyya* explicitly in this context.

⁶⁵ Al-Qurṭubī, *al-Jāmi' li-aḥkām al-Qur'ān*, vol. 10, p. 190.

⁶⁶ Al-Qurṭubī, *al-Jāmi' li-aḥkām al-Qur'ān*, vol. 10, p. 187.

⁶⁷ Al-Qurṭubī, *al-Jāmi' li-aḥkām al-Qur'ān*, vol. 10, p. 190.

⁶⁸ Ibn al-'Arabī, *Aḥkām al-Qur'ān*, p. 1647.

8. Ibn al-Jallāb al-Baṣrī (d. 378/988) on Coerced Apostasy

Abū l-Qāsim ‘Ubayd Allāh b. al-Ḥusayn b. al-Ḥasan, known as Ibn al-Jallāb, was an Iraqi Mālikī jurist of the tenth century. Born in Basra, he studied in Baghdad and became one of the most prominent disciples of the Mālikī authority Abū Bakr al-Abharī (d. 375/985). He authored a number of legal works, including a large commentary on the *Mu-dawwana* extant in manuscript, but his most popular work was *al-Tafrī*, which became a standard Mālikī legal manual. One of the few legal texts to be translated into *aljamiado*, it was well known among Iberian Muslims. It includes a short statement on *ikrāh* in the section on the punishments prescribed by Islamic penal law: “Whoever apostasizes from Islam should be asked to repent. If he repents, his repentance will be accepted, but if he refuses, then he is to be beheaded. His property becomes spoils for the Muslim community, and no heir may inherit from him, whether a Muslim or an unbeliever. Whoever is coerced (*ukriha*) to unbelief is not subject to penalty when ‘his heart is at ease in faith’”.⁶⁹ Like some other authors, Ibn al-Jallāb refers to coercion (*ikrāh*) and not to dissimulation (*taqiyya*) explicitly, but nevertheless alludes to Q 16:106 as a justification.

9. Al-Mawwāq (d. 897/1492) on Coercion

Abū ‘Abd Allāh Muḥammad b. Yūsuf b. Abī l-Qāsim al-‘Abdarī, known as al-Mawwāq, is held to be the last major Muslim jurist of the Iberian peninsula. A native of Granada, he was the leading legal authority there during the final phase of Muslim rule, and he remained there for a short time after the conquest. He wrote a number of works on law, *ḥadīth*, and other topics, including a substantial commentary on a standard Mālikī legal text, the *Epitome* of Khalīl b. Ishāq al-Jundī al-Miṣrī (d. 767/1365), entitled *al-Tāj wa-l-iklīl li-Mukhtaṣar Khalīl* (The Crown and Tiara for the Epitome of Khalīl). In the chapter devoted to drinking alcohol, he addresses coercion in general.

Regarding the permissibility that [a legally responsible Muslim] drink alcohol when he is compelled to do so, Ibn ‘Arabī stated that the question has been dis-

⁶⁹ Ibn al-Jallāb, *al-Tafrī*, vol. 2, p. 231.

puted whether a threat constitutes compulsion. The correct position is that it does constitute compulsion. If a tyrant says to [a Muslim], “If you do not do such-and-such, I will imprison you or take your property”, and [the Muslim] does not have any means to protect himself from this except God, then he may commit any act requested of him except killing someone else, for he must not save his own life by killing another. [The ruling regarding] commission of adultery [under coercion] has [also] been disputed. The correct opinion is that it is permissible to commit it and that [the coerced adulterer] should not suffer the prescribed penalty for it, contrary to the opinion of Ibn Mājishūn, for he required [the coerced adulterer] to undergo the prescribed penalty (...) Regarding [the commission] of unbelief [under coercion], that is undisputedly permissible for him, but on condition that he utter [unbelief] with his tongue while his heart is content in faith (*wa-qalbuhu mun-shariḥ bi-l-imān*). Since God permitted [the Muslim] to reject Himself under coercion, the scholars have subsumed all of the branches of the sacred law under this ruling...⁷⁰

This text demonstrates that the concept of *ikrāh* was widely recognized in the Mālikī legal tradition right up until the last generation of jurists operating under Muslim rule in the Iberian peninsula and was held to apply to nearly all areas of the sacred law.

These are some of the sources to which Moriscos and their predecessors had at least partial access and which include extensive discussions of *ikrāh*. Others that deserve mention are the *Ṣaḥīḥ* of al-Bukhārī, the most famous work of “the six books”, the standard collections of *ḥadīth* accepted by Sunnis as canonical, which includes a short chapter on *ikrāh*. Ibn Ḥajar al-‘Asqalānī’s (d. 852/1449) *Fath al-bārī*, a famous commentary on al-Bukhārī’s work, provides a detailed account of *ikrāh*, in many points quite similar to al-Qurṭubī’s discussion in *al-Jāmi’ li-aḥkām al-Qur’ān*.⁷¹

10. Preemption (*Istir‘ā’*) in Mālikī Legal Texts

Mālikī jurists allow someone who divorces, marries away a daughter, gives away property, places property into an endowment, or undertakes some other legal act under duress to make a prior affidavit, attested to by legal witnesses, stating that if he undertakes the specific legal act in question at a later time he will be doing so against his will.

⁷⁰ Al-Mawwāq, *al-Tāj wa-l-iklīl li-Mukhtaṣar Khalīl*, vol. 6, pp. 317-18.

⁷¹ Ibn Ḥajar al-‘asqalānī, *Fath al-bārī bi-sharḥ Ṣaḥīḥ al-Bukhārī*, vol. 1, pp. 311-26.

This document provides proof that the legal transaction was coerced, and when the signatory party is free from fear for his life or property, he may have the transaction voided on the strength of the prior affidavit. This type of legal preemption is termed *istir'ā'*, and Mālikī manuals of legal documents (*shurūṭ* or *wathā'iq*) discussed such affidavits beginning in the fourth/tenth century. In an answer to a petitioner's question, the Cordovan Abū Ibrāhīm Ishāq b. Ibrāhīm al-Tujībī (d. 354/965) explains that one may undertake *istir'ā'* "in every instance involving dissimulation and fear of injustice and oppression" (*fī kulli mawḍi' taqiyya wa-khawf min ḡlūm wa-ghalaba*).⁷² Ibn Farḥūn's (d. 799/1397) *Tabṣīrat al-ḥukkām* gives examples of such affidavits.⁷³ Many of these discussions use the explicit term *taqiyya* to describe the dissimulation of the coerced party; Ibn Farḥūn refers to the production of this document to annul the subsequent legal action "after *taqiyya* has been lifted" (*ba'd irtifā' al-taqiyya*; *ba'd zawāl al-taqiyya*; *idhā dhahabat al-taqiyya*).⁷⁴ Al-Wansharīsī (d. 914/1508) also discusses this type of affidavit in his manual *al-Manhaj al-fā'iq*, calling it "a contract of *taqiyya*" (*'aqd al-taqiyya*).⁷⁵ In *al-Mi'yār al-mu'rib*, al-Wansharīsī cites al-Tujībī's discussion, also using the term *taqiyya* explicitly.

11. Blasphemy, Lying, and Equivocation

Under the general dispensation of *taqiyya*, the Muslim is allowed, if forced, to utter a blasphemy against Islam, whether it be a Christian creed such as the statement that Jesus is the son of God or rejection of the Prophet Muḥammad. Islamic legal literature includes extensive treatments of blasphemy, termed *kalimat al-kufr* or *alfāz al-kufr*, literally "utterance of unbelief", and the subsidiary topics of invective against the Prophet (*sabb al-rasūl*, *shatm al-rasūl*) and deprecation of the Companions (*rafḍ*, *sabb al-ṣaḥāba*, *sabb al-shaykhayn*).⁷⁶ The term *kalimat*

⁷² Al-Wansharīsī, *al-Mi'yār al-mu'rib*, vol. 6, pp. 527-28.

⁷³ Ibn Farḥūn, *Tabṣīrat al-ḥukkām fī uṣūl al-aqḍiyya wa-manāḥij al-aḥkām*, vol. 2, pp. 3-6, citing the Andalusian judge Abū l-Aṣḥagh 'Isā b. Sahl (d. 486/1093) from his work *al-I'lām bi-nawāzil al-aḥkām*.

⁷⁴ Ibn Farḥūn, *Tabṣīrat al-ḥukkām*, vol. 2 p. 4.

⁷⁵ Al-Wansharīsī, *al-Manhaj al-fā'iq wa-l-manhal al-rā'iq*, p. 118.

⁷⁶ For example, Badr al-Dīn Muḥammad b. Ismā'il al-Rashīd (d. 767/1366) wrote a work entitled *Risāla fī l-alfāz al-mukaffira*, and al-Qārī' al-Harawī 'Alī b. Sulṭān Muḥam-

al-kufr, which occurs in Ibn Abī Jum‘a’s *fatwā*, derives from Q 9:74: *yahliḥūna bi-llāhi annahum mā qālū wa-laqaḍ qālū kalimata l-kufri wa-kafarū ba‘da islāmihim...* “They swear by God that they did not say such a thing, yet they did utter the statement of unbelief and became disbelievers after adopting Islam ...” Ibn Abī Jum‘a also advises the Moriscos that while they are permitted to lie under duress, it is preferable for them to use equivocation (*tawriya*) and hidden meanings (*alghāz*).

Ambiguous or enigmatic speech is an important category both in Arabic rhetoric and in Islamic legal thought. There are many terms for such speech, including *ta‘rīd*, *ma‘ārīd*, *ma‘āriḍ*, *a‘rād*, *tawriya*, *alghāz*, *lahn*, and *malāḥin*. Perhaps the most general term is *ta‘rīd*, “to say indirectly” – a synonym is *talwīḥ* – as opposed to *taṣrīḥ*, “to state explicitly”. This term features in a chapter of the law termed *al-ta‘rīd bi-l-khiṭba* “hinting at a marriage proposal”. While one may not address an explicit proposal of marriage to divorced woman or widow until her waiting period (*‘idda*) is over, one is allowed to hint at an offer to marry her. This view is based on the Qur’ānic verse 2:235, which uses the verb *‘arraḍa*, cognate with *ta‘rīd*: *wa-lā junāḥa ‘alaykum fimā ‘arraḍtum bihi min khiṭbati l-nisā’i aw aknantum fī anfusikum* “You commit no sin in your desires to marry women that you have hinted at or concealed in yourselves”.⁷⁷

Tawriya means literally to disguise or conceal, but as a rhetorical term double-entendre, equivocation, or amphibology. It is discussed in most rhetorical manuals of the late medieval period, and al-Ṣafadī (d. 764/1363) devoted an independent work to the topic, entitled *Faḍḍ al-khiṭām ‘an al-tawriya wa-l-istikhdām* (Breaking Open the Seal, on Double-Entendre).⁷⁸ Poetry that employed this rhetorical figure became extremely popular in the eighth/fourteenth century, and both Ibn Nuḇāta (d. 768/1366) and al-Ṣafadī were acknowledged experts. *Tawriya* refers to cases where a literal expression may be interpreted in two distinct fashions. Al-Sharīf al-Jurjānī (d. 816/1413) defines it thus: “That

mad (d. 1014/1605-6) wrote a commentary on that work, now published as *Sharḥ al-Imām ‘Alī al-Qārī ‘alā kitāb Alfāz al-kufr li-l-‘Allāma Badr al-Rashīd*, ed. al-Tayyib ibn ‘Umar al-Ḥusayn al-Shinqīṭī, Riyadh, Dār al-Faḍīla, 2002.

⁷⁷ Al-Shāfi‘ī, *Kitāb al-Umm*, vol. 5, pp. 36-37.

⁷⁸ Bonebakker, *Some Early Definitions of the Tawriya and Ṣafadī’s Faḍḍ al-Xiṭām ‘an al-tawriya wa-l-istikhdām*; Bonebakker, “Tawriya”; al-Ṣafadī, *Faḍḍ al-khiṭām ‘an al-tawriya wa-l-istikhdām*; Ibn Ḥijja al-Ḥamawī, *Kitāb kashf al-lithām ‘an wajh al-tawriya wa-l-istikhdām*.

the speaker intend by his speech something contrary to its obvious sense, as when one says in a battle, ‘Your commander (*imām*) has died’, intending thereby one of the men in the front lines”, for *imām* may be interpreted as meaning “the man in front” (*amām*).⁷⁹ Jalāl al-Dīn al-Suyūṭī (d. 909/1505), who considers *tawriya* similar to *ihām* “instilling a delusion” or *takhyīl* “causing to imagine”, defines it as follows:

... that one utter an expression with two meanings, (...) one of which is near, *i.e.*, the self-evident meaning according to custom, and the other of which is far, and that one intend the far meaning but conceal it behind the near meaning, so that the auditor imagines the apparent meaning in the first instance. For this reason, it has also been called *ihām* “instilling a delusion”.⁸⁰

This of course fits Ibn Abī Jum‘a’s examples in the *fatwā*: the audience is intended to understand the near or surface meaning, while the speaker understands the far or less obvious meaning.

Lughz, pl. *alghāz*, which also means concealment but as a technical term enigma, puzzle, riddle, is also well known in the Arabic rhetorical tradition.⁸¹ The phrase *alghaza fi kalāmihi* means to conceal one’s intended meaning, and the term refers most often to riddles or allegorical language, in which the speaker gives clues or hints about an intended word, statement, or topic, speaking around it without actually saying it. Allegory was of course an important part of Arabic literary tradition; Ibn Ṭufayl’s (d. 581/1185) famous allegory *Ḥayy ibn Yaqzān* (Alive, Son of Awake) is one among many such works.⁸² Riddle poems based on the use of allusion were current throughout the history of post-classical Arabic literature.⁸³ In a general sense, a *lughz* is any text that is expressed in allusive or allegorical language or includes a hidden mean-

⁷⁹ Al-Jurjānī, *Kitāb al-Ta’rīfāt*, p. 71.

⁸⁰ Al-Suyūṭī, *Sharḥ ‘uqūd al-jumān fi ‘ilm al-ma’ānī wa-l-bayān*, p. 112.

⁸¹ Ḥājī Khalifa, *Kashf al-zunūn ‘an asāmī l-kutub wa-l-funūn*, pp. 149-50; Bencheneb, “Lughz”. *Lughz* means “enigma”; it is generally in verse and characteristically in interrogative form. Related terms are *mu‘ammā* “word puzzle” *uhjiyya* “riddle”. Salim, *Alghāz al-Ḥarīrī wa-aḥājīhi fi Maqāmātih: alghāz fiqhiyya wa-naḥwiyya wa-lughawiyya wa-ada-biyya*; al-Ghazzī, *Hāshiyat al-‘ālim al-mudaqqiq al-Shaykh Aḥmad Sayf al-Ghazzī al-Hanafī ‘alā alghāz Jamāl al-Dīn ‘Abd Allāh Yūsuf b. Hishām al-Anṣārī*; Ibn al-Shihna, *al-Dhakhā’ir al-ashrafiyya fi l-alghāz al-fiqhiyya*; al-Jazā’irī, *Tashīl al-majāz ilā fann al-mu‘ammā wa-l-alghāz*.

⁸² Goodman, *Ibn Ṭufayl’s Ḥayy Ibn Yaqzān: A Philosophical Tale*; Heath, *Allegory and Philosophy in Avicenna (Ibn Sīnā)*.

⁸³ Al-Ṣfahānī, *Riyāḍ al-‘ulamā’ wa-ḥiyāḍ al-fuḍalā’*, vol. 2, pp. 109, 116.

ing. The intent in this context, however, is not to challenge the interlocutor to discover the missing information, but to conceal it successfully, as a mental reservation of the speaker.

Islamic doctrine permits lying under duress. In theology, Ibn Abī Jum‘a’s formative influence was undoubtedly that of his teacher Muḥammad b. Yūsuf al-Sanūsī (d. 895/1490), the leading scholar of Tlemcen in his day and author of three popular creeds, short, medium, and long, and a prolegomenon to the study of theology, *al-Muqaddimāt*.⁸⁴ In his *Muqaddimāt*, al-Sanūsī makes the following statement regarding lying:

The example of a lie that contradicts conviction (*i’tiqād*) is this very same statement [that animals produce voluntary actions through the power that God created in them] when a Sunni utters it in the presence of Mu‘tazilis in order to conceal his condition out of fear of them. Even if it is false because it contradicts what actually obtains, it also contradicts the conviction of the Sunni who stated it, since he committed this permissible lie (*kadhib mubāḥ*) on the grounds that circumstances compelled him to it. Similar to this is the case of someone who is compelled to utter blasphemy (*al-nuṭq bi-kalimat al-kufr*) while his heart is at peace in faith (*wa-qalbuḥu muṭma‘inn bi-l-īmān*).⁸⁵

This statement shows that Ibn Abī Jum‘a’s most prominent teacher in the Islamic sciences addressed dissimulation and the utterance of blasphemy under coercion. A Sunni—here meaning a scholar who endorses Ash‘arī theology—is allowed to lie for fear of bodily harm while dissimulating in front of opponents who espouse Mu‘tazilī doctrines.

A discussion of lying that throws additional light on Ibn Abī Jum‘a’s reasoning occurs in *Adab al-dunyā wa-l-dīn*, an ethical treatise by the eleventh-century Shāfi‘ī scholar al-Māwardī (d. 450/1058). Islamic tradition rejects lying in strong terms, but not categorically.⁸⁶ Al-Māwardī cites the traditional aphorism, “Lying comprises every evil and is the root of every reprehensible quality.”⁸⁷ The Prophet is reported to have

⁸⁴ Bencheneb, “al-Sanūsī;” al-Saraqustī, *al-Hiba wa-l-‘aṭā fī Sharḥ al-‘Aqida al-wustā*; al-Sanūsī, *‘Umdat ahl al-tadqīq wa-l-taṣdīq*; ‘Abd al-Laṭīf Fūda, *Tahdhīb Sharḥ al-Sanūsiyya Umm al-barāhin*; Būqālī Ḥasan, *al-Imām ibn Yūsuf al-Sanūsī wa-‘ilm al-tawḥīd*; Būqālī Ḥasan, *al-Muqaddimāt. Les prolégomènes théologiques de Senoussi*; ‘Abd al-Fattāḥ ‘Abd Allāh Baraka (ed.), *Sharḥ al-Sanūsiyya al-kubrā al-musammā, ‘Umdat ahl al-tawfiq wa-l-tasdid*.

⁸⁵ Luciani, *Les Prolégomènes de Senoussi*, p. 225.

⁸⁶ Al-Māwardī, *Adab al-dunyā wa-l-dīn*, pp. 233–38.

⁸⁷ Al-Māwardī, *Adab al-dunyā wa-l-dīn*, p. 234.

stated that a believer could be a coward or a miser, but not a liar.⁸⁸ Nevertheless, al-Māwardī explains that one is allowed to lie under certain circumstances but should use equivocation if forced to lie.

The Sunna has transmitted permission to lie in war and in mediating disputes (*iṣlāḥ dhāt al-bayn*) using equivocation (*tawriya*) and figurative meanings (*ta'wīl*), but not explicit speech (*taṣrīḥ*), for the Sunna does not permit lying on account of the aversion it involves. Rather, this is [to be done] through equivocation (*tawriya*) and allusive speech (*ta'riḍ*). For example, when the Messenger of God (may God bless him and grant him peace) had wrapped himself in a cape, stood apart from his companions, and was asked by a man, "From whom are you?", he answered "From water (*min mā'*)", concealing the revelation of his genealogy behind a matter that was a likely interpretation (of his speech). The questioner thought that he meant the tribe so designated [*i.e.*, the Mā' al-Samā', tribe], but the Messenger of God intended that he came from the fluid of which man was created. So he accomplished what he desired, that is, to conceal himself, but was truthful in his speech. Similar is what is told of Abū Bakr al-Ṣiddiq (may God be pleased with him): that he was walking behind the Messenger of God (may God bless him and grant him peace) when he fled Mecca along with him, and was accosted by Arabs who recognized Abū Bakr but not the Messenger of God (may God bless him and grant him peace). They asked, "Abū Bakr, who is this?" and he replied, "He is a guide who is guiding me on the way." They thought that he meant showing him the way on his journey, but he meant guiding him along the path of good. Thus, he was truthful in his speech but disguised his intended meaning.⁸⁹

Al-Māwardī thus deems equivocations preferable to outright lying, and the methods of doing so here involve puns, depending on two distinct meanings of the words *mā'* –water and the name of a tribe –and *hādī* – a guide for travel in the desert and a spiritual guide.

To Ibn Sīrīn (d. 110/728) is attributed the statement, *al-kalāmu awṣa'u min an yuṣarraḥa fihi bi-l-kadhib* "Speech is so extensive that one need not lie explicitly".⁹⁰ One sub-chapter in al-Bukhārī's famous collection of *ḥadīth*, *al-Ṣaḥīḥ*, bears the heading *al-ma'ārīḍ man-dūḥatun 'an al-kadhib* "Equivocal speech is a way out of lying".⁹¹ Among the *ḥadīth* reports included in this sub-chapter is the following, transmitted on the authority of Anas: "A son of Abū Talḥa died, and he asked, 'How is the boy?' Umm Sulaym replied, 'His breathing has quieted, and I hope that he is relieved now.' He believed that she was

⁸⁸ Al-Māwardī, *Adab al-dunyā wa-l-dīn*, p. 234.

⁸⁹ Al-Māwardī, *Adab al-dunyā wa-l-dīn*, p. 237.

⁹⁰ Al-Māwardī, *Adab al-dunyā wa-l-dīn*, p. 234.

⁹¹ Al-Māwardī, *Adab al-dunyā wa-l-dīn*, p. 116.

speaking the truth”. As the commentator Ibn Ḥajar explains, Abū Talḥa was led to believe that his son had recovered, but Umm Sulaym actually meant that he had died.⁹² Similar statements are attributed to a number of authorities. A Prophetic *ḥadīth* gives the statement *inna fī l-ma’ārīḍ la-mandūḥatun ‘an al-kadhib* “Equivocal speech provides a way out of lying”.⁹³ ‘Umar b. al-Khaṭṭāb is supposed to have stated, *inna fī l-ma’ārīḍ mā yakfī an ya’iffa al-rajulu ‘an al-kadhib* “Equivocal speech gives a man sufficient leeway that he may abstain from lying”.⁹⁴ Ibn Ḥajar defines *ta’rīḍ* as speech that has two senses, one of which is announced directly, while the intended meaning is the concomitant but concealed sense (*kalām lahu wajhāni yuṭlaqu aḥaduhumā wa-l-murādu lāzimuhu*).⁹⁵

Al-Ghazālī includes a similar discussion of lying in his ethical work *Kitāb al-arba’in fī uṣūl al-dīn*, which was well known in al-Andalus.

Know that lying is forbidden in every circumstance except compelling need (*ḍarūra*). It even happened that a woman once said to her little son, “Come here, that I might give you something”, and the Prophet (may God bless him and grant him peace) asked, “What were you intending to give him if he came?” She answered, “A date”. [The Prophet] said, “If you were not to do that, a lie would be recorded against you”. So let the person be wary of lying, even in his imagination and mental conversation, for that might fix in the mind a crooked image, so that the mind would give the lie to correct vision and the mysteries of the kingdom would not be revealed in sleep. Experience indicates that this is so. Certainly, lying is permitted out of dispensation when telling the truth would lead to another forbidden thing graver than lying itself, so that it becomes licit, just as carrion is permitted when not partaking in it would lead to a forbidden matter graver than eating it, which is loss of life. Umm Kulthūm (may God be pleased with her) said, “The Messenger of God only gave dispensation for lying in three cases: a man who says something in order to reconcile others, a man who says something in war, and a man speaking to his wife”. This is because were the enemy to be apprised of the secrets of war, he would become bold, and were a wife to be apprised of the secrets of her husband, there might arise from her harm greater than the harm of lying. Similarly, sinning and enmity might continue indefinitely between two parties to a dispute, so if it is possible to achieve a reconciliation through lying, that is preferable. This is what has come down to us on the topic in *ḥadīth*. Of equivalent status is the lie of an individual to conceal the property of someone else from a tyrant, or his denial of the secret of someone else, or his denial of his own sin against some-

⁹² Ibn Ḥajar al-‘Asqalānī, *Faṭḥ al-bārī bi-sharḥ Ṣaḥīḥ al-Bukhārī*, vol. 10, p. 594.

⁹³ Al-Māwardī, *Adab al-dunyā wa-l-dīn*, p. 234.

⁹⁴ Al-Māwardī, *Adab al-dunyā wa-l-dīn*, p. 234.

⁹⁵ Ibn Ḥajar, *Faṭḥ al-bārī*, vol. 10, p. 594.

one else, for the open statement of sin or its revelation is forbidden, and his denial of his own crime against someone else serves to mollify him, and so does his denial to his wife that her co-wife is dearer to him. All this goes back to fending off that which is harmful. Lying is not permitted for the sake of attracting increased wealth or honor, and this is where most of people's lies occur.

Then, when one is driven to lie by compulsion (*iḍtirār*), let him resort to equivocal speech as far as possible, so that his mind not become accustomed to lying. When Ibrāhīm b. Adham was sought at his home, he said to his maid, "Tell him to look for me in the mosque". Al-Sha'bī used to draw a circle [on the ground] and say to his maid, "Put your finger inside it, and say, 'He's not here'". A certain person used to beg out of meeting the prince, saying, "Ever since I parted with you, I have not raised my side from the ground except as Exalted God has desired". A certain person used to deny what he had said, saying, "God indeed knows I did not say anything of that" giving the impression of negation with the particle *mā* [*mā qultu* = "I did not say"] though he intended something else [*mā qultu* = "(God knows) what I said"]. Equivocal speech is permitted for lesser (*khafif*) purposes, because it is justified by statements of the Prophet (may God bless him and grant him peace): "An old woman does not enter paradise"; "We will carry you on the offspring of camels"; "There is whiteness in your spouse's eyes" because these statements implied something other than what he meant. Such things are permitted with women and children to placate them through jesting. In addition, someone who refrains from eating should not lie and say, "I'm not hungry" when he is in fact hungry, but rather resort to equivocal speech. The Prophet (peace be upon him) told a woman who had said this, "Do not combine a lie and hunger".⁹⁶

Al-Ghazālī's larger work, *Iḥyā' 'ulūm al-dīn*, includes a similar discussion of lying in which he first presents statements from *ḥadīth* and other sources stressing the moral perils of lying but then addresses the types of lying for which a dispensation exists.⁹⁷ This section overlaps to a great extent with the discussion of al-Māwardī presented above. Interestingly, another version of the report attributed to Umm Kulthūm is cited as adding a wife's lying to her husband to the three other categories of permissible lies—lying in order to reconcile two people involved in a quarrel, lying in war, and lying to one's wife in order to appease her.⁹⁸ Al-Ghazālī then discusses the use of equivocal language to avoid explicit lies, cautioning about the possible abuses of this practice.⁹⁹

⁹⁶ Al-Ghazālī, *Kitāb al-arbaʿin fī uṣūl al-dīn*, pp. 85-86.

⁹⁷ Al-Ghazālī, *Iḥyā' 'ulūm al-dīn*, vol. 3, pp. 1020-27.

⁹⁸ Al-Ghazālī, *Iḥyā' 'ulūm al-dīn*, vol. 3, pp. 1020-27.

⁹⁹ Al-Ghazālī, *Iḥyā' 'ulūm al-dīn*, vol. 3, pp. 1027-29.

Al-Qurṭubī's discussion of blasphemy under coercion shows important similarities to that of Ibn Abī Jum'a's *fatwā*, particularly in the injunction to use ambiguous language:

Exacting scholars have said: When the coerced person utters blasphemy, then he is not permitted to let his tongue speak the words except by way of ambiguous statements (*majrā al-ma'ārīd*), "For in ambiguous speech there is a way out of lying" (*fa-inna fī l-ma'ārīd la-mandūḥatun 'an al-kadhib*). When he does not do thus, he is an unbeliever, because no one has the power to control ambiguous speech (*li-anna l-ma'ārīd la sulṭāna li-l-ikrāhi 'alayhi*). An example is that they say to him, "Deny God" (*ukfur bi-llāh*) and that he say, "[I deny] the inattentive one (*al-lāhī*)", adding a long *-ī*. Similarly, if he is told, "Deny the Prophet", (*ukfur bi-l-nabī*), he should say that he denies the *nabiyy*, with geminate *-yy*, meaning "a patch of high ground", a word also used to refer to a sort of table made out of palm fronds, intending one of them in his heart while internally declaring himself innocent of unbelief and the sin of this declaration. If he is told, "Deny the Prophet" (*ukfur bi-l-nabī*), then he should say that he denies the *nabī*, meaning thereby the one who brings reports, that is, any reporter whatsoever, such as [the false prophets] Ṭulayḥa and Musaylima the Liar, or he should intend thereby the *nabī* of which the poet said: "[Mount al-Ṣāqib] would be crushed into fine pebbles * like the high sands (*al-nabī*) around Mount al-Kāthib".¹⁰⁰

In another passage, al-Qurṭubī returns to the topic of ambiguous speech in oaths, explaining the statement, "Ambiguous speech provides a way out of lying" (*innā fī*¹⁰¹ *al-ma'ārīd la-mandūḥatun 'an al-kadhib*).

Al-A'mash [d. 148/765] relates from Ibrāhīm al-Nakha'ī [d. 96/715] that he said, "There is no harm for you to say, when something you said about a man has reached him: 'By God, God knows, I did not say (*mā qultu*) anything of the sort about you' (*wa-llāhi inna llāha ya'lamu mā qultu fika min dhālika min shay'*)". 'Abd al-Malik b. Ḥabīb [d. 238/852] explains: "This means that God knows *what I said* (*mā qultu*) (...), when in its apparent meaning it negates having said it. One who says this commits neither perjury in his oath nor a lie in ordinary speech". Al-Nakha'ī said, "They [the early Arabs] would use enigmatic oaths (*alghāz al-aymān*) in their speech in order protect themselves. They did not see this as lying and did not fear breaking their oaths thereby. 'Abd al-Malik said: "They would call this 'equivocal speech' (*al-ma'ārīd min al-kalām*) if it was not done to thwart a right through cunning and deception". Al-A'mash said, "When someone whom Ibrāhīm al-Nakha'ī did not want to meet came to see him, he would sit in the prayer corner of his room (*masjid baytihi*), and then tell his servant-girl, "Tell him, 'He, by God, is in the mosque (*masjid*)'". Mughīra related from Ibrāhīm that he used to permit

¹⁰⁰ Al-Qurṭubī, *al-Jāmi' li-aḥkām al-Qur'ān*, vol. 10, pp. 187-88. On this verse by Aws b. Ḥajar, see Lane, *Arabic-English Lexicon*, vol. 1, p. 1.029.

¹⁰¹ For *min* in the text.

a man from the army, when they presented themselves to their commander, to swear, “By God, I will only follow the path that someone other than me (*ghayrī*) sets for me, I will only ride that on which someone other than me mounts me”, and statements of this sort. ‘Abd al-Malik comments, “He intends God, the Exalted, by his statement, “someone other than me” (*ghayrī*), for God is the one who set him on a path, and God is the one who has given him a mount. They did not see that the man had broken his oath in this manner, or that he had lied in his speech, but they disapproved of saying such things in cases of trickery, oppression, or denial of a right. He who has the audacity to do the latter has sinned in his trickery, but is not obliged to atone for his oath.”¹⁰²

Islamic legal tradition condones the use of ambiguous language as a means to protect oneself from the effects of a forced oath or of one’s refusal to take such an oath. The main scriptural texts cited in support of this practice are the *ḥadīth* reports mentioned above that present equivocal speech (*ma’ārīḍ al-kalām*) as an alternative to lying. In general, when a man is unjustly forced to swear, his oath should be interpreted according to his own intention, but when he is forced to swear after committing some injustice, his oath should be interpreted according to the intention of the one enforcing the oath.¹⁰³

The famous philologist Ibn Durayd al-Azdī (d. 321/933) penned *Kitāb al-malāḥin* in order to serve the needs of people who faced mandatory oaths. In it he presents 183 oaths that are double-entendres or amphibologies, the obvious meaning intended for the tyrannical ruler or his agents who are administering the oath, and the other, not-so-obvious meaning understood internally by the oath-taker. The title of the work, *al-malāḥin*, derives from *laḥn*, meaning to intend one thing but to disguise or conceal it behind another statement (*an turīda al-shay’a fa-tuwarriya ‘anhu bi-qawlin ākhar*).¹⁰⁴ He explains, “This is a book that we have composed as a resort for an oppressed person who is constrained and compelled to take an oath. He should say openly (*yu’arīḍ*) what we have recorded and hold internally (*yuḍmir*) the opposite of

¹⁰² Al-Qurtūbī, *al-Jāmi’ li-ahkām al-Qur’ān*, vol. 10, pp. 190-91. Here, al-Qurtūbī seems to be quoting extensively from a work by the prominent early Mālikī jurist and native of Cordoba, ‘Abd al-Malik b. Ḥabīb, perhaps *Kitāb al-Wāḍiḥa fī l-sunna wa-l-fiqh*. See Ossendorf-Conrad, *Das «Kitāb al-Wāḍiḥa» des ‘Abd al-Malik b. Ḥabīb: Edition und Kommentar zu ms. Qarawīyyīn 809/40 (abwāb al-ṭahāra)*; Arcas Campoy, *Kitāb al-Wāḍiḥa (tratado jurídico): Fragmentos extraídos del Muntajab al-aḥkām de Ibn Abī Zamanīn (m. 399/1008)*.

¹⁰³ Schacht, “Ḥiyal”, esp. 512.

¹⁰⁴ Ibn Durayd al-Azdī, *Kitāb al-malāḥin*, p. 56.

that which he puts forth externally, so that he might be safe from the misdeed of the oppressor and escape the wrath of the tyrant”.¹⁰⁵ For example, one might swear *wa-llāhi mā sa’altu fulānan ḥājatan qaṭṭu* “By God, I have not asked So-and-so for anything at all”. The interlocutor will understand *ḥāja* in its ordinary meaning “need, thing, anything”, but the oath-taker will intend by *ḥāja* a specific type of thorn-bearing tree.¹⁰⁶ The oath *wa-llāhi mā ra’aytu fulānan qaṭṭu wa-lā kallamtuhu* would seem to mean “By God, I have neither seen So-and-so at all, nor have I spoken to him”, but the oath-taker will mean by *mā ra’aytuhu* “I haven’t struck him in the lung (*ri’a*)” and by *mā kallamtuhu* “I haven’t wounded him”.¹⁰⁷ The oath *wa-llāhi mā akhadhtu li-fulānin bazzan wa-mā lahu ‘indī min bazz* would seem to mean, “By God, I have not taken any cloth from So-and-So, and I do not have any cloth that belongs to him”, but the oath-taker will intend by *bazz* “weapons” instead.¹⁰⁸ Ibn Durayd’s work was not the only one of its kind: the medieval sources mention several similar works that are no longer extant. Abū ‘Abd Allāh Muḥammad b. Aḥmad al-Baṣrī al-Mufajja’ (d. 320/932) wrote a work with the title *Kitāb al-Munqidh min al-aymān* (The Book that Rescues One from Oaths).¹⁰⁹ The Shī’ite scholar Abū l-Naḍr Muḥammad b. Mas’ūd al-‘Ayyāshī (fl. 4th/10th c.), a native of Samarqand, wrote *Kitāb Ma’ārīḍ al-sharr* (The Book of Equivocations [in the Face] of Evil), and Yaḥyā b. Abī Maṣnūr al-Mawṣilī (fl. 4th/10th c.) wrote *Kitāb al-Ma’ārīḍ* (The Book of Equivocations).¹¹⁰

Such verbal amphibologies are also discussed in works on legal stratagems (*hiyal*). Islamic jurists devoted much thought to methods of escaping legal difficulties, and in some cases they arrived at ingenious stratagems. For example, Islamic law requires that one offer a neighbor the first option to buy one’s plot of land when one would like to sell it,

¹⁰⁵ Ibn Durayd, *Kitāb al-malāḥin*, p. 55.

¹⁰⁶ Ibn Durayd, *Kitāb al-malāḥin*, p. 58.

¹⁰⁷ Ibn Durayd, *Kitāb al-malāḥin*, p. 59.

¹⁰⁸ Ibn Durayd, *Kitāb al-malāḥin*, p. 66.

¹⁰⁹ Ibn al-Nadīm, *al-Fihrist*, p. 133 [reading *al-Munqidh min al-aymān* for *al-Munqidh fi l-imān* in the text]; Yāqūt al-Ḥamawī, *Irshād al-arīb ilā ma’rifat al-adīb*, vol. 3, p. 444; al-Rāghib al-Iṣfahānī, *Muḥāḍarāt al-udabā’ wa-muḥāwarāt al-shu’arā’ wa-l-bulaghā’*, vol. 1, p. 300.

¹¹⁰ Ibn al-Nadīm, *al-Fihrist*, pp. 241, 333.

but it often happens that one could get a better price by selling it to someone else, or one prefers for some other reason not to sell to one's neighbor. In order to avoid this, the jurists advise the owner to give away a narrow strip of his land adjacent to the neighbor's property. Since the original neighbor will no longer be a direct neighbor, the landowner may then dispose of the property as he wishes.¹¹¹ Works on *hiyal* include explicit instructions regarding the production of verbal amphibologies, many of which involve oaths that turn on puns. If a married man wishes to travel and intends to purchase a concubine, his wife may try to forestall his return home with said concubine by making him swear that he will free any concubine he purchases before returning. He may obviate his wife's wishes without breaking the oath by swearing that he will free the concubine (*jāriya*) but intending instead "a boat" (*jāriya*). Or he may swear, "By God, I will divorce every woman that I marry and with whom I have intercourse (*fa-ṭa'uhā*)" but intend instead "whom I trample" (*ṭa'uhā*).¹¹² The extensive presentation of verbal amphibologies in prominent Ḥanafī legal works show that knowledge of such verbal ambiguity was an important facet of Islamic literature and culture, but Mālikī jurists, along with the Ḥanbalīs, generally condemned *hiyal* and considered them invalid.¹¹³

12. *Tawriya* in Ibn Abī Jum'a's *fatwā*

The section of Ibn Abī Jum'a's *fatwā* concerning the utterance of blasphemies under duress has puzzled investigators. The *aljamiado* translations both omit several clauses from this section altogether, apparently because they did not understand the argument or had trouble rendering the rhetorical and grammatical terms. Harvey remarks that the text is obscure and engages in a grammatical quibble. He was least successful in paraphrasing this part of the *fatwā* and admits that he may

¹¹¹ On *hiyal* in general, see Horii, "Reconsideration of Legal Devices (*Hiyal*) in Islamic Jurisprudence: The Ḥanafīs and Their 'Exits' (Makhārīj)"; Horii, *Die gesetzlichen Umgehungen im islamischen Recht (hiyal) unter besonderer Berücksichtigung des Ḥanafiten Sa'īd b. 'Alī al-Samarqandī (gest. 12. Jhdt.)*.

¹¹² Al-Shaybānī, *al-Makhārīj fi l-ḥiyal*, pp. 137-38.

¹¹³ See Ibn Qayyim al-Jawziyya, *I'lām al-muwaqqi'īn 'an rabb al-'ālamīn*, vol. 3, pp. 91-299.

not have grasped the intended sense of the passage exactly. Rubiera Mata remarks somewhat hyperbolically that the section is impossible to translate.¹¹⁴ Dressendörfer's translation, the best to date, still misses certain points. For example, none of the translators has realized that the phrase *bayt Allāh*, literally "the house of God", refers to the Ka'ba in Mecca. Dressendörfer even complains that this example is particularly ill-chosen, because the sense of the term escaped him: "Ibn Bū Jum'a hat den Trick mit dem Genitiv des Besitztums sicher irgendwo abgeschrieben, aber nicht richtig verstanden und dann das nicht richtig passende Beispiel 'das Haus Gottes' dazu erfunden".¹¹⁵ The following is my translation of this section of the text.

If they force you to utter blasphemy, you should resort to equivocation (*tawriya*) and allusions (*alghāz*)¹¹⁶ if you are able. Otherwise, "Be at peace in your hearts in faith"¹¹⁷ when you pronounce such things, and reject them [inwardly]. If they tell you to insult Muḥammad, they call him Mamad—so you should insult Mamad, intending thereby the devil, or Mamad of the Jews, for this name is common among them. If they tell you to say "Jesus is the son of God", then say it, if they force you, and intend the ellipsis of a term in construct, *i.e.*, "Jesus is the son *of Mary the bondsmaid* of God, Who is rightly adored".¹¹⁸ If they tell you to say, "Christ is the son of God", then repeat it, if you are forced, and intend thereby the genitive of possession [that is, meaning "Christ is the son *who belongs to* God"], as in [the expression] "the House of God" [that is, the Ka'ba at Mecca], which does not imply that God lives there, or occupies it. If they tell you to say, "Mary is His [i.e. God's] wife", then [say it] and intend the [possessive] pronoun ["his"] to refer to her paternal cousin from among the Sons of Israel, who married her then left her before consummating the marriage—according to the opinion of al-Suhayli in his *Exegesis*

¹¹⁴ Rubiera Mata, "Los moriscos como criptomusulmanes", p. 544.

¹¹⁵ Dressendörfer, *Islam unter der Inquisition*, p. 140 n. 33.

¹¹⁶ Or perhaps *ilghāz* "using allusion", a verbal noun in parallel with *tawriya*.

¹¹⁷ A reference to Q 16:108.

¹¹⁸ This is an approximate rendering of the original text, which may be corrupt: *'abd ilāh Maryam ma'būd bi-ḥaqq* "the worshipper of the god of Mary, rightly venerated". Jesus in Islamic doctrine is the son of Mary (Joseph is not identified as Jesus' father in the Qur'ān), so one would expect him to be described as her son and not the son of a worshipper. The term "son" should also appear in the statement presented. Because Ibn Abī Jum'a mentioned the ellipsis of a term in construct, one expects a statement of the form "Jesus is the son *of X* of God", where *of X* is the term suppressed by mental reservation. The phrase *ma'būd bi-ḥaqq* occurs frequently in commentaries on the creed *lā ilāha illā llāh* "There is no god but God", which is paraphrased as *lā ma'būd bi-ḥaqq illā llāh* "There is no entity that may be correctly worshipped but God". The original must have been similar to the following in form and sense: *'Isā ibn Maryam amat allāh al-ma'būd bi-ḥaqq* "Jesus is the son *of Mary, the bondswoman* of God, Who is rightly adored".

on the unspecified characters in the Qurʾān¹¹⁹—or intend “whom God married [i.e., to Joseph] by His decree”. If they say, “Jesus died (*tuwuffiya*) on the Cross (*ʿalā al-ṣalīb*)”, then [say it] and intend thereby that God “made him complete” (*waf-fāhu*), that is, perfected and honored him; or, on account of his trustworthiness and steadfastness (*ṣulb*), perpetuated his memory and made praise of him known among mankind; or that God “gave him his full due” (*istawfāhu*) by raising him up to the heavens.

Rubiera Mata notes that Ibn Abī Jumʿa’s discussion draws on the multiple meanings of Arabic root combinations, and it is this aspect of the passage that has proved most difficult for translators to convey. The reference to Jesus’ dying on the cross is particularly interesting in that it is based on an elaborate pun. The common interpretation of the Qurʾānic account of the crucifixion is that Jesus did not die on the cross but was saved by being taken up at the last moment by God and replaced with a substitute who looked like Jesus to the onlookers, but was not in fact he. The relevant passage in the Qurʾān reads:

They (the Jews) say in boast, ‘We killed Christ Jesus the son of Mary, the Messenger of God’—They killed him not nor crucified him (*ṣalabūhu*), but so it was made to appear to them, and those who differ herein are full of doubts, with no certain knowledge, but only conjecture to follow, for of a surety they killed him not. * *Nay*, God raised him up unto Himself (*bal rafaʿahu llāhu ilayhi*); and God is Powerful, Wise. (Q 4: 157-58).

The alternative interpretations of this credal statement which Ibn Abī Jumʿa suggests are in fact puns or paronomastic double-entendres based on the consonantal roots *w-f-y* in the verbs *tuwuffiya*, *waffā*, *istawfā* and *ṣ-l-b* in *ṣalīb* and *ṣulb/ṣalab* that work only in Arabic, and not in Spanish. The jurist seems to assume that the conversation will occur in Arabic, that the puns should translate into Spanish as well, that

¹¹⁹ This is a reference to the work of al-Suhaylī, *al-Taʾrīf wa-l-iʿlām fīmā ubhima min al-asmāʾ wa-l-aʿlām fī l-Qurʾān al-karīm*, p. 110. The passage in question reads as follows: “The name of the man to whom Mary suggested that he marry her is Joseph, son of Jacob, son of Māthān. He was her paternal cousin, and the first to notice her pregnancy. Some say that this was because he was with her in Jerusalem when her pregnancy became apparent to him, and others say that he married her and when he entered upon her, found that she was pregnant, so he turned away from her and released her, but was too chaste to mention anything but good about her, because of what he recognized in her of the intensity of her worship and her tremendous merit. The latter is the opinion of al-Qutabī (= Ibn Qutayba, d. 276/889), and the former was stated by al-Ṭabarī in a discussion that would take too long to present”.

all languages, when translated into inner thoughts, have a formal and semantic structure identical with that of Arabic, or that the inner thoughts of all Muslims naturally occur in Arabic.

Although Ibn Durayd does not make any specific statements about the verbal strategies on which his amphibologies are based, numerous examples in his *Kitāb al-malāḥin* employ strategies similar to those evident in Ibn Abī Jum'a's amphibologies. For example, he reports the oath, *wa-llāhi mā dakhaltu li-fulānin baytan wa-lā ra'aytu lahu baytan*, the ostensible meaning of which is "By God, I have never entered any house of So-and-So, nor have I ever seen any house of his". According to Ibn Durayd, however, by the word *bayt* "house" he will intend the alternative meaning "tomb" instead, or he will intend internally the completion of a genitive construct: *bayt al-'ankabūt* "spider-web" or *bayt al-naḥl* "bee-hive".¹²⁰ Ibn Durayd also draws frequently on the various senses of Arabic verbal cognates. He interprets the oath *wa-llāhi mā ra'aytu fulānan* "By God, I have never seen So-and-So" as meaning "I have never struck him in the lung" (*mā ḍarabtu ri'atahu*).¹²¹ He interprets the oath *mā a'lamtu fulānan wa-lā a'lamanī* "By God, I have never informed So-and-So, nor has he ever informed me" as meaning "I have never split his upper lip", that is, made him *a'lam* ("hare-lipped").¹²² In the oath *wa-llāhi mā naṣaḥa fulānun fulānan wa-lā yuḥsinu an yanṣaḥa* "By God, So-and-So never advised So-and-So, nor is he proficient at advising", the verb "to advise" (*naṣaḥa*) should be interpreted as meaning "to sew".¹²³ In the oath *wa-llāh mā akhbartu fulānan* (...) "By God, I have never told So-and-So ...", the verb *akhbara* "to tell, inform" should be interpreted as meaning "to slaughter a *khubra*", that is, a sheep bought in common by a group of people to share its meat.¹²⁴ Ibn Abī Jum'a is certainly aware of these strategies from works in the tradition, but it is difficult to identify the specific works on which he drew for this discussion.

¹²⁰ Ibn Durayd, *Kitāb al-malāḥin*, p. 65.

¹²¹ Ibn Durayd, *Kitāb al-malāḥin*, p. 59.

¹²² Ibn Durayd, *Kitāb al-malāḥin*, p. 60.

¹²³ Ibn Durayd, *Kitāb al-malāḥin*, p. 66.

¹²⁴ Ibn Durayd, *Kitāb al-malāḥin*, p. 67.

13. Conclusion

Ibn Abī Jum'a's *fatwā* may be interpreted as endorsing *taqiyya* despite the fact that the term itself does not appear in the text. *Taqiyya* is an accepted principle in Sunni Islam that is discussed in fundamental sources in the fields of *ḥadīth*, Qur'ānic exegesis, law, and theology with which Ibn Abī Jum'a and other North African and Andalusian scholars would have been familiar. Some of these Sunni sources use the term *taqiyya* infrequently, treating the concept under the rubric of coercion (*ikrāh*), and Ibn Abī Jum'a's *fatwā* does this as well, but many other sources refer to *taqiyya* directly and explicitly. In addition, the concepts overlap, and what the *mufī* in this case envisaged was actually a performance of *taqiyya* on the part of Muslims in a hostile environment, under oppressive Christian rule. Nearly all the specific examples of the *fatwā*, including the discussion of equivocation in cases where Muslims are forced to blaspheme, are closely related to material found in well-known Sunni discussions of coercion. Further investigation of Islamic literature that was available in al-Andalus and North Africa will undoubtedly turn up additional references to *taqiyya* and *ikrāh*. Of the texts examined here, al-Qurṭubī's discussion of coercion in *al-Jāmi' li-aḥkām al-Qur'ān* seems most closely related to the content of Ibn Abī Jum'a's *fatwā*.

What is the significance of *tawriya* as a means to avoid blasphemy? If one is allowed to lie in the face of danger, then why is it preferable to use *tawriya* instead? Competitive spirit and communal pride dictate that one defend one's religious identity. Although allowed, simple lying is nevertheless stigmatized as a cowardly act signalling a capitulation to the interlocutor and to the majority community. The value assigned to courage in the face of danger is clear from *ḥadīth* reports that allow believers to deny their faith, if necessary, but reward them if they refuse to do so and choose the path of martyrdom. *Tawriya* allows the performer to view himself as having bested his opponents in a clever manner rather than simply giving in. He has actively appropriated the language of his oppressors and twisted its meaning so as to thwart their intentions. In a number of cases in Ibn Abī Jum'a's *fatwā*, the meaning intended through *tawriya* not only confounds the oppressor's intention but also asserts a contrary intention, countering the oppressor's expressed ideology. This grants the performer the satisfaction of using his opponent's words against him, similar to the satisfaction derived from the common retort, but here in a possibly quite grave situation. If

taqiyya is the shield of the believer, then *tawriya* is his weapon, albeit the surreptitious weapon of the weak. It is also the weapon of the clever, which serves to avoid coerced assimilation while at the same time mocking the enemy.

Sources examined to date present one concrete case in which a dissimulator consciously had recourse to the Islamic learned tradition in order to justify and guide his performance. The Morisco Aḥmad b. Qāsim al-Ḥajārī (d. after 1050/1640) describes a difficult situation that faced him when he was asked by the ecclesiastical authorities of Granada to help decipher and interpret the Lead Books. He was not only literate but also accomplished in Arabic language and grammar, and even though the Christian authorities were seeking his assistance, he was wary about revealing how he had learned to read and write Arabic, for learning the language had been outlawed. He writes, “I asked myself, ‘How do I get out of this quandary, when the Christians kill and burn everyone with whom they find a book in Arabic, or who they know reads in Arabic?’”¹²⁵ He was not an old man who could claim to have learned Arabic before the prohibition, nor was he one of the few licensed translators. He therefore told ‘the great priest’ who interviewed him that he had learned Arabic in Madrid from a Valencian doctor who had –conveniently– died two or three years earlier and that it had been easy for him to learn because he grew up speaking Arabic dialect in his hometown. He then comments, in his account of this episode,

Everything that I told him regarding what he asked me about the doctor, i.e., that he was from Valencia, was a lie, because¹²⁶ reading in Arabic was permitted to the inhabitants of Valencia on topics other than the religion of Islam, and forbidden to the remaining inhabitants of the Andalus. I thus sought protection from their evil by lying, for al-Ghazālī –may God cause others to benefit from him!– stated in the book *The Revivification*: ‘If a good person passes by you, and then an oppressor comes chasing him, asking about him in order to harm him, then tell him, “He went in that direction!”’ –opposite the path he actually took, so that the man being pursued might escape the tyranny of his pursuer. Lying in such situations is permissible, or rather even recommended, despite the fact that giving correct directions is a religious obligation. It appeared to me that when someone who is customarily truthful tells a lie that is permitted to him out of compulsion, his statement is accepted, and what he says is taken to be the truth.¹²⁷

¹²⁵ Al-Ḥajārī, *Nāṣir al-dīn ‘alā al-qawm al-kāfirīn*, pp. 18-19.

¹²⁶ Reading *fa-li-anna* for *wa-lākin* in the text.

¹²⁷ Al-Ḥajārī, *Nāṣir al-dīn*, pp. 19-20.

Al-Ḥajārī here provides a rare insight into the mental activity behind a concrete act of dissimulation. He was not queried directly about his beliefs, but many of the edicts of Church and State throughout the sixteenth century closely associated other cultural practices, including the ability to read Arabic, with religion and took them as evidence of heresy. Al-Ḥajārī justified his lies by referring to al-Ghazālī's famous work *The Revivification of the Religious Sciences* (*Iḥyā' 'ulūm al-dīn*). We have mentioned al-Ghazālī's discussion of lying in this work above; the passage to which al-Ḥajārī refers reads as follows, citing a statement by the early Iraqi scholar and Qur'ānic commentator Maymūn b. Mihrān (d. 117/735-36):

Maymūn b. Mihrān stated: Under some circumstances, lying is better than telling the truth. What do you think you would say if a man with a sword were chasing another man in order to kill him, and [the man being pursued] entered a house, then the [pursuer] accosted you, asking, 'Have you seen So-and-So?' Would you not answer, 'I have not seen him' and omit telling him the truth? Such a lie would be obligatory.¹²⁸

In this case, at least, it is clear that the Morisco al-Ḥajārī not only practiced a form of dissimulation but also did so in the full knowledge that it was permitted by principles set forth in Islamic learned tradition. He does not use the term *taqiyya*, but he does refer to being compelled (*muḍṭarr*). Al-Ghazālī's *Iḥyā' 'ulūm al-dīn* was one among a number of Islamic texts devoted to law, *ḥadīth*, and exegesis of the Qur'ān to which al-Ḥajārī and others like him could have had recourse in order to justify and guide their performances of dissimulation.

Investigation of the legal literature, however, will not suffice to illuminate the social history of Islamic dissimulation. *Taqiyya* is not merely an abstract principle to be exercised only by those who have extensive familiarity with the law. It is an important part of daily life, a method that must be performed not only in a legally correct manner, to avoid sinful acts, but also in an effective and convincing manner, to avoid bodily harm and promote the economic success and social welfare of the sectarian community. While it is important to understand the theory behind the principle, it is clear that the theoretical texts leave a great deal unsaid. Consideration of the social problems minorities generally face suggests that a different approach may provide a more

¹²⁸ Al-Ghazālī, *Kitāb al-arba'in fī uṣūl al-dīn*, vol. 3, p. 1.024.

extensive understanding of *taqiyya* as a dynamic principle.¹²⁹ Drawing on Erving Goffman's analyses of social interaction using the concepts and terminology of the theater, one may define *taqiyya* as a dramaturgical discipline enabling members of a stigmatized minority to participate more fully in a society dominated by a potentially hostile majority and to promote the welfare of the minority community. Even a thorough examination of extant theoretical texts focused on the issue may leave many important questions unanswered.¹³⁰ For a Morisco to pass as a good Christian took more than a simple statement to that effect. It required a sustained performance involving hundreds of individual statements and actions of different types, many of which might have had little to do with expressions of belief or ritual practice *per se*.

Dissimulation was an institutionalized practice in Morisco communities that involved regular patterns of behaviour passed on from one generation to the next. Many of the performers were not literate in Arabic and so would not have had access to discussions of *taqiyya* as a legal principle. Moreover, many of the particular dissimulatory practices they adopted were not discussed in such literature at all. For example, the Moriscos performed a ceremony immediately after Christian baptism termed *fada* or *fadas*, by which they erased or removed the effects of baptism by washing the baby and performing ritual ablutions, after which they would give the child a Muslim name.¹³¹ In his analysis of the use of *taqiyya* by Shi'ites in Afghanistan, Louis Dupree suggests that it is important to recognize *taqiyya* as both a theory and a practice: "... it may be prudent to define the meaning of *taqiyya* in two distinct ways: the way local religious leaders *interpret* it, and the way it *functions* in the day-to-day lives of the peoples involved. Neither definition, however, precludes the validity of the other".¹³² There is reason to believe that Morisco dissimulation resembled that of other historical groups, including Shi'ites living under oppressive Sunni rule, and showed similar patterns regarding the relationship between theory and

¹²⁹ See, for example, Goffman, *Stigma: Notes on the Management of Spoiled Identity*; Jones et al., *Social Stigma: The Psychology of Marked Relationships*; Richards, *Sex, Dissidence and Damnation: Minority Groups in the Middle Ages*; Schaefer, *Racial and Ethnic Groups*.

¹³⁰ See Stewart, "Taqiyyah as Performance;" Stewart, "Documents and Dissimulation."

¹³¹ García-Arenal, *Inquisición y moriscos*, pp. 56-59; Boronat y Barrachina, *Los Moriscos españoles y su expulsión*, p. 225.

¹³² Dupree, "Further Notes on *Taqiyya*", p. 681.

practice. Morisco peasants would not have been able to cite treatments of *taqiyya* in legal manuals, even though they were actively dissimulating in various ways in the course of their daily lives. In Shi'ite contexts scholars complain that lay Shi'ites are not sufficiently schooled in the ramifications and extent of *taqiyya* as a legal dispensation and do not know how to use it properly, confirming a communication gap between the two groups.¹³³ Nevertheless, even illiterate Shi'ites in Afghanistan, Pakistan, and Saudi Arabia are not cut off from the learned doctrinal tradition entirely and are aware of the general concept of *taqiyya* and the permissibility of using it in their daily lives. It is reasonable to assume that a similar situation held for less educated Moriscos. However, in a city like Granada, home to highly literate and educated Muslims with a local tradition of Islamic legal scholarship, a considerable number of inhabitants must have been aware of the finer points of Islamic law regarding dissimulation and duress.

14. Bibliography

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